

1 15A NCAC 02D .0909 is proposed for amendment as follows:
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3 **15A NCAC 02D .0909 COMPLIANCE SCHEDULES FOR SOURCES IN NONATTAINMENT AREAS**

4 (a) Applicability. With the exceptions in Paragraph (b) of this Rule, this Rule applies to all sources covered
5 by Paragraph ~~(f), (g), (h), or (i)~~ (e), (f), (g), or (h) of Rule .0902 of this Section.

6 (b) Exceptions. This Rule does not apply to:

7 (1) sources in Mecklenburg County required to comply with the requirements of this Section
8 under Rule .0902~~(e)~~(d) of this ~~Section~~; Section; or

9 ~~(2)~~ ~~sources covered under Rule .0953 or .0954 of this Section; or~~

10 ~~(3)~~(2) sources required to comply with the requirements of this Section under Rule .0902(c) of
11 this Section.

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

15 (1) if compliance is to be achieved by installing emission control equipment, replacing
16 process equipment, or modifying existing process equipment:

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

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

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

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

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

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

32 (2) if compliance is to be achieved by using low solvent content coating technology:

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

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

- 1 (i) a date by which research and development of low solvent content coating
2 shall be completed if the Director determines that low solvent content
3 coating technology has not been sufficiently researched and developed;
4 (ii) a date by which evaluation of product quality and commercial acceptance
5 shall be completed;
6 (iii) a date by which purchase orders shall be issued for low solvent content
7 coatings and process modifications;
8 (iv) a date by which process modifications shall be initiated; and
9 (v) a date by which process modifications shall be completed and use of low
10 solvent content coatings shall begin;
- 11 (C) Final compliance shall be achieved within three years after the Director notices
12 the implementation of rules in the North Carolina Register that resolves a violation
13 of the ambient air quality standard for ozone.
- 14 (3) The owner or operator shall certify to the Director within five days after each increment
15 deadline of progress in this Paragraph, whether the required increment of progress has
16 been met.
- 17 (d) Nonattainment areas. The owner or operator of any source subject to this Rule because of the
18 application of Paragraphs ~~(f)~~(e) of Rule .0902 of this Section shall adhere to the following increments of
19 progress and schedules:
- 20 (1) if compliance is to be achieved by installing emission control equipment, replacing
21 process equipment, or modifying existing process equipment:
- 22 (A) The owner or operator shall submit a permit application and a compliance
23 schedule by August 1, 2007;
- 24 (B) The compliance schedule shall contain the following increments of progress:
- 25 (i) a date by which contracts for the emission control system and process
26 equipment shall be awarded or orders shall be issued for purchase of
27 component parts;
- 28 (ii) a date by which on-site construction or installation of the emission control
29 and process equipment shall begin; and
- 30 (iii) a date by which on-site construction or installation of the emission control
31 and process equipment shall be completed.
- 32 (C) Final compliance shall be achieved no later than April 1, 2009.
- 33 (2) if compliance is to be achieved by using low solvent content coating technology:
- 34 (A) The owner or operator shall submit a permit application and a compliance
35 schedule by August 1, 2007;
- 36 (B) The compliance schedule shall contain the following increments:

- 1 (i) a date by which research and development of low solvent content coating
2 shall be completed if the Director determines that low solvent content
3 coating technology has not been sufficiently researched and developed;
- 4 (ii) a date by which evaluation of product quality and commercial acceptance
5 shall be completed;
- 6 (iii) a date by which purchase orders shall be issued for low solvent content
7 coatings and process modifications;
- 8 (iv) a date by which process modifications shall be initiated; and
- 9 (v) a date by which process modifications shall be completed and use of low
10 solvent content coatings shall begin.
- 11 (C) Final compliance shall be achieved no later than April 1, 2009.
- 12 (3) The owner or operator shall certify to the Director within five days after the deadline, for
13 each increment of progress in this Paragraph, whether the required increment of progress
14 has been met.
- 15 (e) If the Director requires a test to demonstrate that compliance has been achieved, the owner or
16 operator of sources subject to this Rule shall conduct a test and submit a final test report within six months
17 after the stated date of final compliance.
- 18 (f) Sources already in compliance.
- 19 (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. Paragraph
20 (c) of this Rule shall not apply to sources that are in compliance with applicable rules of
21 this Section when the Director notices the implementation of rules in the North Carolina
22 Register that resolves a violation of the ambient air quality standard for ozone and that
23 have determined and certified compliance to the satisfaction of the Director within six
24 months after the Director notices the implementation of rules in the North Carolina
25 Register that resolves a violation of the ambient air quality standard for ozone.
- 26 (2) Nonattainment areas. Paragraphs (d) of this Rule shall not apply to sources in an area
27 named in Paragraph ~~(f)~~(e) of Rule .0902 of this Section that are in compliance with
28 applicable rules of this Section on March 1, 2007.
- 29 (g) New sources.
- 30 (1) Maintenance area and Charlotte ozone nonattainment area contingency plan. The owner
31 or operator of any new source of volatile organic compounds not in existence or under
32 construction before the date that the Director notices in the North Carolina Register in
33 accordance with Paragraph ~~(g), (h), or (i)~~(f), (g), or (h) of Rule .0902 of this Section the
34 implementation of rules in the North Carolina Register that resolves a violation of the
35 ambient air quality standard for ozone, shall comply with all applicable rules in this Section
36 upon start-up of the source.
- 37 (2) Nonattainment areas. The owner or operator of any new source of volatile organic
38 compounds not in existence or under construction before March 1, 2007 in an area

1 identified in Paragraph ~~(f)~~(e) of Rule .0902 shall comply with all applicable rules in this
2 Section upon start-up of the source.

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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, 2008; July 1, 2007; March 1, 2007; July 1, 2000; April 1, 1997;*

7 *July 1, 1995; July 1, 1994; July 1, 1988; January 1, 1985.*