

Emulsified Asphalt or any other coating or sealant, including but not limited to those produced from petroleum or coal, which contain more than five (5) percent of oil distillate as determined by ASTM Method D-244 is included in this definition.

XI.A.4. Penetrating Prime Coat: An application of low-viscosity liquid asphalt to an absorbent surface in order to prepare it for overlaying with a layer or layers of asphalt cement or asphalt emulsion and mineral aggregate paving materials.

XI.A.5. Asphalt Concrete: A waterproof and durable paving material composed of dried aggregate which is evenly coated with hot asphalt cement.

XI.B. Limitations

XI.B.1. Applicability

The provisions of this Section XI apply to the use and storage of cutback asphalt for the paving and maintenance of all public roadways (including alleys), private roadways, parking lots, and driveways only within ozone non-attainment areas.

XI.B.2. Storage

Stockpiles of aggregate mixed with cutback asphalt are permitted October 1 through February 28 (29). Such storage is not permitted March 1 through September 30 except where it can be demonstrated to the Division that such storage is necessary.

XI.B.3. Use

Cutback asphalt may be used for any paving purpose October 1 through February 28 (29). No person shall use cutback asphalt or any coating included in the definition of cutback asphalt in Subsection IX.A.3. March 1 through September 30 except as provided below:

XI.B.3.a. If used solely as a penetrating prime coat, or

XI.B.3.b. If the user can demonstrate to the Division that under the conditions of its intended use, there will be no emissions of volatile organic compounds to the ambient air.

XI.C. Recordkeeping

During the months of March through September, the person responsible for the use or storage of any cutback asphalt as permitted in subparagraph 3.a. and b. and paragraph 2. shall keep records of same, including type and amount of solvent(s) used.

XII. VOLATILE ORGANIC COMPOUND EMISSIONS FROM OIL AND GAS OPERATIONS

XII.A. Emission reductions at oil and gas exploration and production operations, natural gas compressor stations and natural gas drip stations.

XII.A.1 Except as provided in section XII.A.8, this section XII.A applies to oil and gas exploration and production operations, natural gas compressor stations and natural gas drip stations:

XII.A.1.a that collect, store, or handle condensate in the 8-hour Ozone Control Area,

XII.A.1.b. that are located upstream of a natural gas plant, and

- XII.A.1.c. for which the owner or operator filed, or was required to file, an APEN pursuant to Regulation No. 3.
- XII.A.2. The owners and operators of affected operations shall employ air pollution control equipment to reduce emissions of volatile organic compounds from atmospheric storage tanks associated with affected operations by the dates and amounts listed below. Emission reductions shall not be required for each and every unit, but instead shall be based on overall reductions in uncontrolled actual emissions from all the atmospheric storage tanks associated with the affected operations for which the owner or operator filed, or was required to file, an APEN pursuant to Regulation No. 3. The dates and requisite reductions are as follows:
- XII.A.2.a. For the period May 1 through September 30, 2005 such emissions shall be reduced by 37.5% from uncontrolled actual emissions on a weekly basis;
- XII.A.2.b. For the period of May 1 through September 30 of 2006, such emissions shall be reduced by 47.5% from uncontrolled actual emissions on a weekly basis.
- XII.A.2.c. For the period of May 1 through September 30 of each year from 2007 through 2011, such emissions shall be reduced by 75% from uncontrolled actual emissions on a weekly basis.
- XII.A.2.d. For the period of May 1 through September 30 of each year beginning with 2012, such emissions shall be reduced by 78% from uncontrolled actual emissions on a weekly basis.
- XII.A.2.e. Emission reductions achieved between January 1 and April 30, 2005 shall be averaged with emission reductions achieved between October 1 and December 31, 2005. For these two time periods, emissions shall be reduced by 30% from uncontrolled actual emissions and shall be calculated as an average of the emission reductions achieved during the seven months covered by the two periods.
- XII.A.2.f. Emission reductions achieved between January 1 and April 30, 2006 shall be averaged with emission reductions achieved between October 1 and December 31, 2006. Emissions shall be reduced by 38% from uncontrolled actual emissions, calculated as an average of the emission reduction achieved during the seven months covered by the two periods.
- XII.A.2.g. For the period between January 1, 2007 and April 30, 2007, such emissions shall be reduced by 38% from uncontrolled actual emissions, For the period between October 1, 2007, and December 31, 2007, such emissions shall be reduced by 60% from uncontrolled actual emissions, calculated for each period as an average of the emission reduction achieved during the months covered by each period.
- XII.A. 2.h. Beginning with the year 2008, and each year thereafter, emission reductions achieved between January 1 and April 30 shall be averaged with emission reductions achieved between October 1 and December 31. Emissions shall be reduced by 70% from uncontrolled actual emissions, calculated as an average of the emission reduction achieved during the seven months covered by the two periods.
- XII.A.3. Monitoring: The owner or operator of any condensate storage tank that is being controlled pursuant to this Section XII shall inspect or monitor the Air Pollution Control Equipment at least weekly to ensure that it is operating. The inspection shall include t

Equipment at least weekly to ensure that it is operating. The inspection shall include the following:

XII.A.3.a. For combustion devices, a check that the pilot light is lit by either visible observation or other means approved by the division. For devices equipped with an auto-igniter that do not have a pilot light, a check that the auto-igniter is properly functioning;

XII.A.3.b. For combustion devices, a check that the valves for piping of gas to the pilot light are open;

XII.A.3.c. For combustion devices, a visible emission check for the presence or absence of smoke;

XII.A.3.d. For vapor recovery units, a check that the unit is operating and that vapors from the condensate tank are being routed to the unit;

XII.A.3.e. For all control devices, a check that the valves for the piping from the condensate tank to the air pollution control equipment are open;

XII.A.3.f. A check that the thief hatch is closed and latched.

XII.A.4 Recordkeeping: Each owner or operator shall, at all times, maintain a spreadsheet of information describing the affected operations, the air pollution control equipment being used, and the emission reductions achieved, as follows:

XII.A.4.a The spreadsheet shall list all condensate storage tanks subject to this section XII by name and AIRS number, and shall list the production volumes for each tank. The spreadsheet shall list the most recent measurement of such production at each tank, and the time period covered by such measurement of production.

XII.A.4.b The spreadsheet shall list the emission factor used for each tank. The emission factors shall comply with section XII.D.3.

XII.A.4.c The spreadsheet shall list the location and control efficiency value for each unit of air pollution control equipment, and shall identify the tanks being controlled by each by name and AIRS number.

XII.A.4.d Between May 1 and September 30 of each year, the spreadsheet shall track the reductions in emissions of volatile organic compounds on a weekly basis, as follows:

XII.A.4.d.i The spreadsheet shall list the production volume for each tank, expressed as a weekly average based on the most recent measurement available. The weekly average shall be calculated by averaging the most recent measurement of such production, which may be the amount shown on the receipt from the refinery purchaser for delivery of condensate from such tank, over the time such delivered condensate was collected. The weekly average from the most recent measurement will be used to estimate weekly volumes of controlled and uncontrolled actual emissions for all weeks following the measurement until the next measurement is taken.

- XII.A.4.d.ii The spreadsheet shall show the weekly uncontrolled actual emissions and the weekly controlled actual emissions for each tank.
 - XII.A.4.d.iii The spreadsheet shall show the total system-wide weekly uncontrolled actual emissions and the total system-wide daily controlled actual emissions.
 - XII.A.4.d.iv The spreadsheet shall show the total system-wide daily percentage reduction of emissions.
 - XII.A.4.e The spreadsheet shall note any shutdown of air pollution control equipment, and shall account for such shutdown in the weekly emission reduction totals. The notations shall include the date, time and duration of any scheduled shutdown. For any unscheduled shutdown, the spreadsheet shall record the date and time the shutdown was discovered and the date and time the air pollution control equipment was last observed to be operating.
 - XII.A.4.f The spreadsheet shall be maintained in a manner approved by the division and shall include any other information requested by the division that is reasonably necessary to determine compliance with this section of the regulation.
 - XII.A.4.g An up-to-date spreadsheet shall be promptly provided by e-mail or fax to the division upon its request. The U.S. mail may also be used if acceptable to the division.
 - XII.A.4.h Failure to properly install, operate, and maintain air pollution control equipment at the locations indicated in the spreadsheet shall be a violation of this regulation.
 - XII.A.4.i A copy of each weekly spreadsheet shall be retained for three years. A spreadsheet may apply to more than one week if there are no changes in any of the required data and the spreadsheet clearly identifies the weeks it covers. The spreadsheet may be retained electronically, however, any loss of data may be treated by the division as if the data were not collected.
 - XII.A.4.j In addition to the spreadsheet, each owner or operator shall maintain records of the inspections required pursuant to Section XII.A.3. These records shall include the time and date of the inspection, the person conducting the inspection, a notation that each of the checks required under Section XII.C.3. were completed and a description of any problems observed during the inspection.
- XII.A.5 Reporting: On or before April 30, 2006, and semi-annually by April 30 and November 30 of each year thereafter, each owner or operator shall submit a report describing the air pollution control equipment used during the preceding calendar year (for the April 30 report) and during the preceding ozone season (for the November 30 report) and how it complied with the emission reductions required by section XII.A.2. during those periods. Such reports shall be submitted to the division on a form provided by the division for that purpose.
- XII.A.5.a The report shall list all condensate storage tanks subject to this section XII and the production volumes for each tank, which amounts may be the amounts shown on the receipt from the refinery purchasers for delivery of condensate from such tanks.

- XII.A.5.b The report shall list the emission factor used for each tank. The emission factors shall comply with section XII.D.3.
- XII.A.5.c The report shall list the location and control efficiency value for each unit of air pollution control equipment, and shall identify the tanks being controlled by each.
- XII.A.5.d The April 30 report shall show the uncontrolled actual emissions and the controlled actual emissions for each tank for January 1 through April 30, May 1 through September 30 and October 1 through December 31 of the previous year. The November 30 report shall show such information for the May 1 through September 30 period only.
- XII.A.5.e The April 30 report shall show the total system-wide uncontrolled actual emissions and the total system-wide controlled actual emissions for January 1 through April 30, May 1 through September 30 and October 1 through December 31 of the previous year. The November 30 report shall show such information for the May 1 through September 30 period only.
- XII.A.5.f The April 30 report shall show the total system-wide percentage reduction of emissions for May 1 through September 30 of the previous year, and for the combined periods of January 1 through April 30 and October 1 through December 31 of the previous year. The November 30 report shall show such information for the May 1 through September 30 period only.
- XII.A.5.g The report shall note any shutdown of air pollution control equipment and shall account for such shutdown in the emission reduction totals. The notations shall include the date, time and duration of any scheduled shutdown. For any unscheduled shutdown, the date and time the shutdown was discovered, the last date the air pollution control equipment was observed to be operating and the date the source believes the shutdown occurred, including the basis for such belief, shall be recorded in the report.
- XII.A.5.h The report shall state whether the required emission reductions were achieved during the preceding year or preceding ozone season for the November 30 report, and whether the required emission reductions were achieved on a weekly basis during the preceding ozone season (May 1 through September 30). If the required emission reductions were not achieved, the report shall state why not, and shall identify steps being taken to ensure subsequent compliance.
- XII.A.5.i The report shall include any other information requested by the division that is reasonably necessary to determine compliance with this section of the regulation.
- XII.A.5.j A copy of each semi-annual report shall be retained for three years.
- XII.A.5.k In addition to submitting the semi-annual reports, on or before the 30th of each month commencing in June 2007, the owner or operator of any condensate storage tank that is required to control volatile organic compound emissions pursuant to section XII.A. shall notify the division of any instances where the air pollution control equipment was not properly functioning during the previous month. The report shall include the time and date that the equipment was not properly operating, the time and date that the equipment was last observed operating properly, and the date and time that the problem was corrected. The report shall also include the specific nature of the problem, the specific steps

taken to correct the problem, the AIRS number of each of the condensate tanks being controlled by the equipment and the estimated production from those tanks during the period of non-operation.

- XII.A.5.l. Commencing in 2007, on or before April 30 of each year, the owner or operator shall submit a list identifying by name and AIRS number each condensate storage tank that is being controlled to meet the requirements set forth in this section XII.A. On the 30th of each month during ozone season (May through September) and on November 30 and February 28, the owner or operator shall submit a list identifying any condensate storage tank whose control status has changed since submission of the previous list.
- XII.A.6 The record-keeping and reporting required in sections XII.A.4 and XII.A.5 above shall not apply to the owner or operator of any natural gas compressor station or natural gas drip station that is authorized to operate pursuant to a construction permit or Title V operating permit issued by the division if the following criteria are met:
- XII.A.6.a such permits are obtained by the owner or operator on or after the effective date of this provision and contain the provisions necessary to ensure the emissions reductions required by this section XII.A;
- XII.A.6.b the owners and operators of such natural gas compressor stations or natural gas drip stations do not own or operate any exploration and production operation(s); and
- XII.A.6.c total emissions from atmospheric condensate storage tanks associated with such natural gas compressor stations or drip stations subject to APEN reporting requirements under Regulation No. 3 owned or operated by the same person do not exceed 30 tons per year in the 8-hour Ozone Control Area.
- XII.A.7 Each combustion device and vapor recovery unit used to comply with section XII.A shall have a control efficiency of at least 95% for volatile organic compounds.
- XII.A.8 The requirements of this section XII.A shall not apply to any owner or operator in any calendar year in which the APENs for all of the atmospheric condensate storage tanks associated with the affected operations owned or operated by such person reflect a total of less than 30 tons-per-year of actual uncontrolled emissions of VOCs in the 8-hour Ozone Control Area. Such requirements shall, however, apply to such owner or operator in any subsequent calendar year in which the APENs for atmospheric condensate storage tanks associated with such affected operations reflect a total of 30 tons-per-year or more of actual uncontrolled emissions of VOCs in the 8-hour Ozone Control Area.
- XII.A.9 Alternative emissions control equipment and pollution prevention devices and processes installed and implemented after June 1, 2004 shall qualify as air pollution control equipment, and may be used in lieu of, or in combination with, combustion devices and vapor recovery units to achieve the emission reductions required by this section XII, if the following conditions are met:
- XII.A.9.a The owner or operator obtains a construction permit authorizing such use of the alternative emissions control equipment or pollution prevention device or process. The proposal for such equipment, device or process shall comply with all regulatory provisions for construction permit applications and shall include the following:
- XII.A.9.a.i a description of the equipment, device or process;

XII.A.9.a.ii. a description of where, when and how the equipment, device or process will be used;

XII.A.9.a.iii the claimed control efficiency and supporting documentation adequate to demonstrate such control efficiency;

XII.A.9.a.iv an adequate method for measuring actual control efficiency; and

XII.A.9.a.v a description of the records and reports that will be generated to adequately track emission reductions and implementation and operation of the equipment, device or process, and a description of how such matters will be reflected in the spreadsheet and annual report required by sections XII.A.4 and XII.A.5.

XII.A.9.b Public notice of the application is provided pursuant to Regulation No. 3, Part B, Section III.C.4.

XII.A.9.c EPA approves the proposal. The division shall transmit a copy of the permit application and any other materials provided by the applicant, all public comments, all division responses and the division's permit to EPA Region 8. If EPA fails to approve or disapprove the proposal within 45 days of receipt of these materials, EPA shall be deemed to have approved the proposal.

XII.A.10. The AIRS number assigned by the Division shall be marked on all condensate storage tanks required to file an Air Pollution Emission Notice.

XII.A.11. If air pollution control equipment is required to comply with Section XII.A. visible signage shall be located with the control equipment identifying the AIRS number for each condensate storage tank that is being controlled by that equipment.

XII.B. Gas-processing plants located in the 8-hour Ozone Control Area shall comply with requirements of this section XII.B, as well as the requirements of sections XII.C and XVI.

XII.B.1 For fugitive VOC emissions from leaking equipment, the leak detection and repair (LDAR) program as provided at 40 C.F.R. Part 60, Subpart KKK (see Regulation No. 6, Part A, Subpart KKK) shall apply, regardless of the date of construction of the affected facility.

XII.B.2 Air pollution control equipment shall be installed and properly operated to reduce emissions of volatile organic compounds from any atmospheric condensate storage tank (or tank battery) used to store condensate that has not been stabilized and with a throughput that exceeds the APEN de minimis levels specified in Regulation No. 3, Part A, Section II.D. Such air pollution control equipment shall have a control efficiency of at least 95%.

XII.B.3 Existing natural gas processing plants within the 8-hour Ozone Control Area shall comply with the requirements of this section XII.B by May 1, 2005.

XII.B.4 The provisions of this section XII.B, and sections XII.C, and XVI, shall apply upon the commencement of operations to any natural gas processing plant that commences operation in the 8-hour Ozone Control Area after the effective date of this subsection.

XII.C. On or after May 1, 2005, any still vent and vent from any gas-condensate-glycol (GCG) separator (flash separator or flash tank), if present, on a glycol natural gas dehydrator located at an oil and gas exploration and production operation, natural gas compressor station, drip station or gas-processing plant in the 8-hour Ozone Control Area shall reduce uncontrolled actual emissions of

volatile organic compounds by at least 90 percent through the use of a condenser or air pollution control equipment. This section XII.C shall not apply to any single natural gas dehydrator, or grouping of dehydrators at an oil and gas exploration and production operation, natural gas compressor station, drip station or gas-processing plant, with uncontrolled actual emissions of volatile organic compounds of less than 15 tons per year. The control requirement in this section XII.C. shall not apply to a natural gas dehydrator with emissions below the APEN reporting thresholds in Regulation No. 3, Part A, Section II.D that is part of a grouping of dehydrators, but the emissions from such dehydrator shall be included in the calculation used to determine whether the grouping of dehydrators exceeds the 15 tons per year threshold.

XII.D Definitions and general provisions

XII.D.1 A "glycol natural gas dehydrator" means any device in which a liquid glycol (including, ethylene glycol, diethylene glycol, or triethylene glycol) absorbent directly contacts a natural gas stream and absorbs water.

XII.D.2 General requirements for air pollution control equipment, prevention of leakage, and flares and combustion devices.

XII.D.2.a All air pollution control equipment required by this section XII shall be operated and maintained consistent with manufacturer specifications and good engineering and maintenance practices. The owner or operator shall keep manufacturer specifications on file. In addition, all such air pollution control equipment shall be adequately designed and sized to achieve the control efficiency rates required by this Section XII and to handle reasonably foreseeable fluctuations in emissions of volatile organic compounds. Fluctuations in emissions that occur when the separator dumps into the tank are reasonably foreseeable.

XII.D.2.b All condensate collection, storage, processing and handling operations, regardless of size, shall be designed, operated and maintained so as to minimize leakage of volatile organic compounds to the atmosphere to the maximum extent practicable.

XII.D.2.c If a flare or other combustion device is used to control emissions of volatile organic compounds to comply with section XII, it shall be enclosed, have no visible emissions, and be designed so that an observer can, by means of visual observation from the outside of the enclosed flare or combustion device, or by other convenient means, such as a continuous monitoring device, approved by the division, determine whether it is operating properly.

XII.D.3 The emission estimates and emission reductions required by this section XII shall be demonstrated using one of the following emission factors:

XII.D.3.a For atmospheric storage tanks at oil and gas exploration and production operations, a default emission factor of 13.7 pounds of volatile organic compounds per barrel of condensate shall be used unless a more specific emission factor has been established pursuant to section XII.D.3.b.ii. The division may require a more specific emission factor that complies with section XII.D.3.b.ii.

XII.D.3.b For atmospheric storage tanks at natural gas compressor stations and natural gas drip stations, and gas-condensate-glycol separators, a specific emission factor established pursuant to this section XII.D.3.b shall be used. A specific emission factor developed pursuant to section XII.D.3.b.ii may also be

used for atmospheric storage tanks at oil and gas exploration and production operations and, once established, or required by the division, shall be used for such operations.

XII.D.3.b.i For atmospheric storage tanks at natural gas compressor stations and natural gas drip stations, and gas-condensate-glycol separators a source may use a specific emissions factor that was used for reporting emissions from the source on APENs filed on or before February 28, 2003. The division may, however, require the source to develop and use a more recent specific emission factor pursuant to section XII.D.3.b.ii if such a more recent emission factor would be more reliable or accurate.

II.D.b.3.ii Except as otherwise provided in XII.D.3.b.i, a specific emissions factor shall be one for which the division has no objection, and which is based on collection and analysis of a representative sample of condensate pursuant to a test method approved by the division and EPA. The division shall consult with and provide EPA 30 days in which to comment on the test method. EPA shall be deemed to have approved the test method for purposes of this section XII.D.3.b if it does not object during such 30-day period.

XII.D.4 Oil refineries are not subject to this section of the rule.

XII.D.5 When used in this section XII, the term "affected operations" means oil and gas exploration and production operations, natural gas compressor stations and natural gas drip stations to which this section XII applies pursuant to section XII.A.1.

XII.D.6 "Atmospheric", when used to modify the term "condensate storage tanks", means a type of condensate storage tank that vents, or is designed to vent, to the atmosphere.

XII.D.7 "Stabilized", when used to refer to stored condensate, means that the condensate has reached substantial equilibrium with the atmosphere and that any emissions that occur are those commonly referred to within the industry as "working and breathing losses."

XII.D.8 "Air pollution control equipment," as used in this section XII, means a combustion device or vapor recovery unit. Air pollution control equipment also means alternative emissions control equipment and pollution prevention devices and processes that comply with the requirements of section XII.A.9.

XII.D.9 "System-wide" when used to refer to emissions and emission reductions in this section XII shall mean emissions and emission reductions from all atmospheric storage tanks at affected operations within the 8-hour Ozone Control Area for which the owner or operator filed, or was required to file, an APEN.

~~XIII. GRAPHIC ARTS~~

~~XIII.A. General Provisions~~

~~XIII.A.1. Definitions~~

~~For the purpose of this section, the following definitions apply:~~

~~XIII.A.1.a. "Packaging Rotogravure Printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in~~