

[Amend 310 CMR 7.18 (1), 7.18(2)(a), 7.18(2)(b), and 7.18(2)(f) as follows.]

310 CMR 7.18

- (1) U Applicability and Handling Requirements.
 - (a) 310 CMR 7.18 shall apply in its entirety to persons who own, lease, operate or control any facility which emits volatile organic compounds (VOC).
 - (b) For purposes of 310 CMR 7.18, except for 310 CMR 7.18(30), VOC shall include both VOC as defined in 310 CMR 7.00 and Halogenated Organic Compounds (HOC) as defined in 310 CMR 7.00.
 - (c) On or after July 1, 1980 any person owning, leasing, operating, or controlling a facility regulated under 310 CMR 7.18, shall store and dispose of volatile organic compounds in a manner which will minimize evaporation to the atmosphere. Proper storage shall be in a container with a tight fitting cover. Proper disposal shall include incineration in an incinerator approved by the Department, transfer to another person licensed by the Department to handle VOC, or any other equivalent method approved by the Department.
 - (d) Any person who owns, leases, operates, or controls a facility which is or becomes subject to 310 CMR 7.18, except for those persons solely subject to 310 CMR 7.18(30) unless the facility is a CTG-affected facility as defined under 310 CMR 7.18(30)(b), Definitions, shall continue to comply with all requirements of 310 CMR 7.18, even if emissions from the subject facility no longer exceed applicability requirements of 310 CMR 7.18.
 - (e) Any person not regulated by 310 CMR 7.18, prior to August 15, 1989 shall achieve compliance with the applicable section(s) of 310 CMR 7.18 by August 15, 1990.
 - (f) Any person who, since January 1, 1990, obtains a plan approval for an emission unit under 310 CMR 7.02 where said approval establishes BACT or LAER to be no less stringent than RACT for a facility size and type as defined in 310 CMR 7.18; shall comply with the BACT or LAER as defined established in the plan approval, and is not subject to RACT standards of 310 CMR 7.18 this section as may otherwise be applicable, until the applicable RACT standards of 310 CMR 7.18 become more stringent than the BACT or LAER established in the plan approval, at which point the person shall become subject to the updated RACT standards.
- (2) U Compliance with Emission Limitations.
 - (a) Any person subject to 310 CMR 7.18 shall maintain continuous compliance with all requirements of 310 CMR 7.18. Except as provided for in 310 CMR 7.18(2)(b) and (g), compliance averaging times are based on the control method selected to meet the applicable emission limitations and EPA test methods as codified in 40 CFR Part 60, or other methods approved by the Department and EPA, and are as follows:

<u>Compliance Method</u>	<u>EPA Reference Test Method</u>	<u>Test Method Averaging Time</u>
Coating Reformulation	24 ¹	instantaneous
Solvent destruction or solvent recovery except carbon adsorption	25	3hours
Carbon adsorption	25 or other as appropriate	the length on the adsorption cycle or 24-hours, whichever is less.

¹ Reference Method 24 shall use a 60 minute bake time at 110°C ± 5°C.

- (b) Persons owning, leasing, or controlling the operation at a specific site location of any individual or combination of coating lines described in 310 CMR 7.18(3) through (7), (10) through (12), (14) through (16), and (21) through (24) may, for compliance with dates specified in 310 CMR 7.18(3)(2)(a), through (7), (10) through (12), (14), ~~(15)~~, through (16), and (21) through (24), and the emissions limitations contained in 310 CMR 7.18(3) through (7), (10) through (12), (14) through (16), and (21) through (24), submit a proposed plan containing a mix of emission limits for such coating lines such that the total emissions from all coating lines is less than or equal to the sum

of emissions that would result from each individual coating line complying with the applicable emission limitation contained in 310 CMR 7.18(3) through (7), (10) through (12), (14) through (16), and (21) through (24).

Submittal of such a proposed plan is subject to review and approval by the Department and must provide for compliance consistent with 310 CMR 7.18(3)(2)(a), through (7), (10) through (12), (14) through (15), (16), and (21), (22), (23) through (24).

Any ~~source~~ person complying with the requirements of 310 CMR 7.18 by emissions averaging under 310 CMR 7.18(2)(b), is also subject to the requirements of 310 CMR 7.00: Appendix B(4).

[310 CMR 7.18(2)(c), and (d) are unchanged.]

(e) Any person owning, leasing, operating, or controlling a facility subject to 310 CMR 7.18(3) through (7), (10) through (12), ~~and~~ (14) through (16), ~~or (30)~~ shall demonstrate compliance with the ~~recordkeeping~~ requirements for emissions capture and control equipment by continuously monitoring and maintaining records on the following parameters:

1. for a thermal incinerator; the combustion temperature measured in °F;
2. for a catalytic incinerator: the exhaust gas temperature (°F), the temperature rise across the catalyst bed (°F), and the date the catalyst was most recently replaced or changed;
3. for a condenser or refrigeration system; the inlet temperature of the cooling medium (°F), and the exhaust gas temperature (°F);
4. for a carbon adsorber; the pressure drop across the adsorber and the exhaust gas VOC concentration;
5. for emissions capture and control equipment not otherwise listed; any requirements specified by the Department in any approval(s) or order(s).

(f) Exemption for Coatings Used in Small Amounts. For any person who owns, leases, operates or controls a facility with coating line(s) subject to 310 CMR 7.18, ~~except for 310 CMR 7.18(30)~~, the emissions of VOC from any coatings used in small amounts at that facility are exempt from the emission limitations of the particular section, provided the person satisfies the following conditions:

1. the total amount of all coatings exempted does not exceed 55 gallons on a rolling 12 month period at the facility; and,
2. the person notifies the Department that this exemption is being used 30 days prior to its first use; and,
3. the person identifies in such notice the coatings which will be covered by this exemption; and,
4. the person complies with the recordkeeping and testing requirements of the particular section.

[310 CMR 7.18(2)(g), and (h) are unchanged.]

[Amend 310 CMR 7.18(20)(a) as follows.]

(a) General Applicability and Submittal Requirements. Any person who owns, leases, operates or controls a facility, ~~which that~~ becomes subject to 310 CMR 7.18(2)(b), (2)(c), (2)(g), (2)(h), (17), (21) through (27), (28)(e), (29), or (30)(c)7, after January 1, 1992, shall submit an emission control plan to the Department for review and approval by the Department prior to implementation of RACT. An emission control plan is required to amend an emissions averaging plan issued pursuant to 310 CMR 7.18(2)(b) or 310 CMR 7.18(2)(g), or an approval issued under 310 CMR 7.18(2)(h).

1. The emission control plan must be submitted to the Department within 180 days of the date the facility or part of a facility first meets the applicability requirements of 310 CMR 7.18, or the date of promulgation for that section of 310 CMR 7.18, whichever is latest.
2. An emission control plan is not required if all operations at the facility for which an approval under 310 CMR 7.18(20) would otherwise be required
 - a. ~~were~~ are installed in accordance with:
 - i. ~~an~~ a plan approval issued pursuant to 310 CMR 7.02(4) or (5) that meets the standards/limits of 310 CMR 7.18; ~~and/or~~
 - ii. the requirements contained in 310 CMR 7.03; or

iii. the requirements of 310 CMR 7.26, or
b. are exempt from filing for plan approval pursuant to 310 CMR 7.02(2)(b) except for 310 CMR 7.02(2)(b)32. This exemption does not apply to construction, substantial reconstruction, or alteration required to comply with the requirements of 310 CMR 7.18.

[310 CMR 7.18(20)(b) through (g) are unchanged.]

[Add 310 CMR 7.18(30) as follows.]

(30) Adhesives and Sealants

(a) Applicability.

1. Except as provided in 310 CMR 7.18(30)(a)2. through 5., 310 CMR 7.18(30) applies to:
 - a. any person who, on or after January 1, 2015, manufactures any adhesive, sealant, adhesive primer, or sealant primer for use in Massachusetts;
 - b. any person who, on or after September 1, 2015, sells, supplies, or offers for sale any adhesive, sealant, adhesive primer, or sealant primer for use in Massachusetts; and
 - c. any person who, on or after May 1, 2016, uses, applies, or solicits the use or application of any adhesive, sealant, adhesive primer, or sealant primer in Massachusetts.
2. 310 CMR 7.18(30) shall not apply to the use or application of any adhesive, sealant, adhesive primer, or sealant primer by the homeowner(s), renter(s), or other resident(s) at a private residence for personal use and not for a fee, compensation, or other financial gain.
3. 310 CMR 7.18(30) shall not apply to the manufacture, sale, supplying, or offering for sale of an adhesive, sealant, adhesive primer, or sealant primer provided that:
 - a. the adhesive, sealant, adhesive primer, or sealant primer is intended exclusively for shipment and use or application outside of Massachusetts;
 - b. the manufacturer or distributor keeps records demonstrating that the adhesive, sealant, adhesive primer, or sealant primer is intended exclusively for shipment and use or application outside of Massachusetts; and
 - c. the manufacturer or distributor has taken reasonable precautions to assure that the adhesive, sealant, adhesive primer, or sealant primer is not sold, supplied, or offered for sale for use or application within Massachusetts.
4. 310 CMR 7.18(30) shall not apply to the manufacture, sale, supplying, offering for sale, or the use or application of the following:
 - a. adhesives, sealants, adhesive primers, and sealant primers that are subject to 310 CMR 7.25(12), Consumer Products;
 - b. adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive, or sealant, less water and less exempt compounds, as applied; and
 - c. adhesives used in tire repair operations, provided the label of the adhesive states: "For Tire Repair Only".
5. 310 CMR 7.18(30) shall not apply to the manufacture, sale, supplying, or offering for sale of the following:
 - a. cyanoacrylate adhesives;
 - b. adhesives, sealants, adhesive primers, or sealant primers that are used in assembly, repair and manufacture of aerospace or undersea-based weapon systems components;
 - c. adhesives, sealants, adhesive primers, or sealant primers that are used in manufacture of medical equipment;
 - d. adhesives, sealants, adhesive primers, or sealant primers that are used in plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992; and
 - e. adhesives, sealants, adhesive primers, or sealant primers that are supplied or sold by the manufacturer or distributor in containers with a net volume of 16 fluid ounces or less, or a net weight of one pound or less. Plastic cement welding adhesives are excluded from this exemption.

(b) Definitions.

Terms used in 310 CMR 7.18(30) are defined at 310 CMR 7.00: Definitions or in 310 CMR 7.18(30)(b). Where a term is defined in both 310 CMR 7.00: Definitions and in 310 CMR 7.18(30)(b), the definition in 310 CMR 7.18(30)(b) shall apply.

ACRYLONITRILE-BUTADIENE-STYRENE OR ABS WELDING ADHESIVE means any adhesive intended by the manufacturer to weld acrylonitrile-butadiene-styrene pipe, which is made by reacting monomers of acrylonitrile, butadiene and styrene.

ADHESIVE means any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

ADHESIVE PRIMER means any product intended by the manufacturer for application to a substrate, prior to the application of an adhesive, to enhance the bonding process.

AEROSOL ADHESIVE means an adhesive packaged as an aerosol product in which the spray mechanism is permanently housed in a non-refillable can designed for handheld application without the need for ancillary hoses or spray equipment.

AEROSPACE COMPONENT means the fabricated part, assembly of parts or completed unit of any aircraft, helicopter, missile, or space vehicle, including passenger safety equipment.

ARCHITECTURAL SEALANT OR PRIMER means any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes and their appurtenances. Appurtenances to a stationary structure include, but are not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

AUTOMOTIVE GLASS ADHESIVE PRIMER means an adhesive primer labeled by the manufacturer to be applied to automotive glass prior to installation of the glass using an adhesive/sealant.

CARB means the California Air Resources Board.

CERAMIC TILE INSTALLATION ADHESIVE means any adhesive intended by the manufacturer for use in the installation of ceramic tiles.

CHLORINATED POLYVINYL CHLORIDE PLASTIC or CPVC PLASTIC means a polymer of the vinyl chloride monomer that has undergone a post-polymerization chlorination process to increase the chlorine content of the PVC polymer beyond its base chlorine content of 57 percent. CPVC plastic is normally identified with a CPVC marking.

CHLORINATED POLYVINYL CHLORIDE WELDING ADHESIVE or CPVC WELDING ADHESIVE means an adhesive labeled for welding of chlorinated polyvinyl chloride plastic.

CLEANUP SOLVENT means a VOC-containing material used to remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate, or a VOC-containing material used to clean equipment used in applying a material.

COMPUTER DISKETTE JACKET MANUFACTURING ADHESIVE means any adhesive intended by the manufacturer to glue the fold-over flaps to the body of a vinyl computer diskette jacket.

CONTACT ADHESIVE means an adhesive that: (i) is designed for application to two surfaces to be bonded together, and (ii) is allowed to dry before the two surfaces are placed in contact with each other, and (iii) forms an immediate bond that is impossible, or difficult, to reposition after both adhesive-coated surfaces are placed in contact with each other, and (iv) does not need sustained pressure or clamping of surfaces after the adhesive-coated surfaces have been brought together using sufficient momentary pressure to establish full contact between both surfaces. Contact adhesive does not include rubber cements that are primarily intended for use on paper substrates. Contact adhesive also does not include vulcanizing fluids that are designed and labeled for tire repair only.

CTG-AFFECTED FACILITY means a facility in which total actual uncontrolled VOC emissions from all Miscellaneous Industrial Adhesive Application Processes, including related cleaning activities, are equal to or greater than 6.8 kg/day (15 lb/day) or an equivalent level such as 3 tons per 12-month rolling period.

CONTROL TECHNIQUES GUIDELINES or CTG means the Control Techniques Guidelines issued by EPA for Miscellaneous Industrial Adhesives, EPA-453/R-08-005, and published in the Federal Register on October 7, 2008.

COVE BASE means a flooring trim unit, generally made of vinyl or rubber, having a concave radius on one edge and a convex radius on the opposite edge that is used in forming a junction between the bottom wall course and the floor or to form an inside corner.

COVE BASE INSTALLATION ADHESIVE means any adhesive intended by the manufacturer to be used for the installation of cove base or wall base on a wall or vertical surface at floor level.

CYANOACRYLATE ADHESIVE means any adhesive with a cyanoacrylate content of at least 95% by weight.

DISTRIBUTOR means any person to whom an adhesive, adhesive primer, sealants, or sealant primer is sold or supplied for the purpose of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.

DRY WALL INSTALLATION means the installation of gypsum dry wall to studs or solid surfaces using an adhesive formulated for that purpose.

EXEMPT COMPOUND means an organic compound that is excluded from the definition of volatile organic compound in 310 CMR 7.00.

FIBERGLASS means a material consisting of extremely fine glass fibers.

FLEXIBLE VINYL means non-rigid polyvinyl chloride plastic.

INDOOR FLOOR COVERING INSTALLATION ADHESIVE means any adhesive intended by the manufacturer for use in the installation of wood flooring, carpet, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll, or artificial grass. Adhesives used to install ceramic tile and perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as Flexible Vinyl, are excluded from this category.

LAMINATE means a product made by bonding together two or more layers of material.

LOW-SOLIDS ADHESIVE, SEALANT OR PRIMER means any product that contains 120 grams or less of solids per liter of material.

MARINE DECK SEALANT or MARINE DECK SEALANT PRIMER means any sealant or sealant primer labeled for application to wooden marine decks.

MANUFACTURER means any person who manufactures, processes, imports, assembles, produces, packages, repackages, or re-labels a product.

MEDICAL EQUIPMENT MANUFACTURING means the manufacture of medical devices, such as, but not limited to, catheters, heart valves, blood cardioplegia machines, tracheostomy tubes, blood oxygenators, and cardiatory reservoirs.

METAL TO URETHANE/RUBBER MOLDING OR CASTING ADHESIVE means any adhesive intended by the manufacturer to bond metal to high density or elastomeric urethane or molded rubber materials, in heated molding or casting processes.

MISCELLANEOUS INDUSTRIAL ADHESIVE APPLICATION PROCESS means a process used at an industrial manufacturing or repair facility that is subject to the Control Technique Guidelines (CTG) as defined in 310 CMR 7.18(30).

MULTIPURPOSE CONSTRUCTION ADHESIVE means any adhesive intended by the manufacturer for use in the installation or repair of various construction materials, including but not limited to drywall, subfloor, panel, fiberglass reinforced plastic (FRP), ceiling tile and acoustical tile.

NONMEMBRANE ROOF INSTALLATION/REPAIR ADHESIVE means any adhesive intended by the manufacturer for use in the installation or repair of non-membrane roofs including, but not limited to, plastic or asphalt roof cement, asphalt roof coating and cold application cement. Nonmembrane roof installation/repair adhesive does not include adhesive intended by the manufacturer for use in the installation or repair of prefabricated single-ply flexible roofing membrane.

OUTDOOR FLOOR COVERING INSTALLATION ADHESIVE means any adhesive intended by the manufacturer for use in the installation of floor covering that is not in an enclosure and that is exposed to ambient weather conditions during normal use.

PANEL INSTALLATION means the installation of plywood, pre-decorated hardboard (or tileboard), fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces using an adhesive formulated for that purpose.

PERIMETER BONDED SHEET FLOORING INSTALLATION means the installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive designed to be applied only to a strip of up to four inches wide around the perimeter of the sheet flooring.

PLASTIC means any synthetic material chemically formed by the polymerization of organic (carbon-based) substances. Plastics are usually compounded with modifiers, extenders, and/or reinforcers and are capable of being molded, extruded, cast into various shapes and films or drawn into filaments.

PLASTIC CEMENT WELDING ADHESIVE means any adhesive intended by the manufacturer for use to dissolve the surface of plastic to form a bond between mating surfaces. Plastic cement welding adhesive does not include ABS welding, PVC welding, or CPVC welding adhesives.

PLASTIC CEMENT WELDING ADHESIVE PRIMER means any primer intended by the manufacturer for use to prepare plastics substrates prior to bonding or welding.

PLASTIC FOAM means foam constructed of plastics.

PLASTICIZER means a material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, as determined by the applicable ASTM International test method or any other method approved by the Department and EPA.

POLYVINYL CHLORIDE PLASTIC or PVC PLASTIC means a polymer of the chlorinated vinyl monomer, which contains at least 57% chlorine.

POLYVINYL CHLORIDE WELDING ADHESIVE or PVC WELDING ADHESIVE means any adhesive intended by the manufacturer for use in the welding of PVC plastic pipe.

POROUS MATERIAL means a substance that has tiny openings, often microscopic, in which fluids may be absorbed or discharged, including, but not limited to, paper and corrugated paperboard. For the purposes of 310 CMR 7.18(30), porous material does not include wood.

REACTIVE ADHESIVE means adhesive systems composed, in part, of volatile monomers that react during the adhesive curing reaction, and, as a result, do not evolve from the film during use. These volatile components instead become integral parts of the adhesive through chemical reaction.

At least 70 percent of the liquid components of the system, excluding water, react during the process.

REACTIVE DILUENT means a liquid that is a VOC during application and one in that, through chemical and/or physical reactions, such as polymerization, 20% or more of the VOC becomes an integral part of a finished material.

REINFORCED PLASTIC COMPOSITE means a composite material consisting of plastic reinforced with fibers.

ROADWAY SEALANT means any sealant intended by the manufacturer for application to streets, highways and other similar surfaces, including, but not limited to, curbs, berms, driveways, and parking lots.

RUBBER means any natural or manmade rubber substrate, including, but not limited to, styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.

SCAQMD means the South Coast Air Quality Management District of the State of California.

SEALANT means any material with adhesive properties that is formulated primarily to fill, seal, waterproof or weatherproof gaps or joints between two surfaces. Sealants include caulks.

SEALANT PRIMER means any product intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding process.

SHEET RUBBER LINING INSTALLATION means the process of applying sheet rubber liners by hand to metal or plastic substrates to protect the underlying substrate from corrosion or abrasion. These operations also include laminating sheet rubber to fabric by hand.

SINGLE-PLY ROOF MEMBRANE means a prefabricated single sheet of compounded synthetic material such as ethylene propylene diene monomer, polyvinyl chloride, thermal polyolefin, or ketone ethylene ester that is applied in a single layer to a building roof.

SINGLE-PLY ROOF MEMBRANE ADHESIVE PRIMER means any primer intended by the manufacturer for use to clean and promote adhesion of the single-ply roof membrane seams or splices prior to bonding.

SINGLE-PLY ROOF MEMBRANE INSTALLATION AND REPAIR ADHESIVE means any adhesive intended and labeled by the manufacturer for use in the installation or repair of single-ply roof membrane. Installation includes, at a minimum, attaching the edge of the membrane to the edge of the roof and applying flashings to vents, pipes and ducts that protrude through the membrane. Repair includes, but is not limited to, gluing the edges of torn membrane together, attaching a patch over a hole and reapplying flashings to vents, pipes, or ducts installed through the membrane.

SINGLE-PLY ROOF MEMBRANE SEALANT means any sealant intended by the manufacturer for application to single-ply roof membrane.

SOLVENT means organic compounds that are used as diluents, thinners, dissolvers, viscosity reducers, cleaning agents or other related uses.

STRUCTURAL GLAZING ADHESIVE means any adhesive intended by the manufacturer to apply glass, ceramic, metal, stone, or composite panels to exterior building frames.

SUBFLOOR INSTALLATION means the installation of subflooring material over floor joists, including the construction of any load bearing joists. Subflooring is covered by a finish surface material.

SURFACE PREPARATION SOLVENT means any VOC containing material used to remove dirt, oil and other contaminants from a substrate prior to the application of a primer, adhesive, or sealant.

THIN METAL LAMINATING ADHESIVE means any adhesive intended by the manufacturer for use in bonding multiple layers of metal to metal or metal to Plastic in the production of electronic or magnetic components in which the thickness of the bond line(s) is less than 0.25 mils.

TIRE REPAIR means a process that includes expanding a hole, tear, fissure or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.

TIRE RETREAD ADHESIVE means any adhesive intended by the manufacturer for application to the back of pre-cure tread rubber and to the casing and cushion rubber. Tire retread adhesive may also be used to seal buffed tire casings to prevent oxidation while the tire is being prepared for a new tread.

TRAFFIC MARKING TAPE means pre-formed reflective film intended by the manufacturer for application to streets, highways and other traffic-related surfaces, including, but not limited to curbs, berms, driveways and parking lots.

TRAFFIC MARKING TAPE ADHESIVE PRIMER means any primer intended by the manufacturer for application to surfaces prior to installation of traffic marking tape.

UNDERSEA-BASED WEAPONS SYSTEMS COMPONENTS means parts or completed units of any portion of a missile launching system used on undersea ships.

WATERPROOF RESORCINOL GLUE means a two-part resorcinol-resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

(c) VOC Emission Requirements.

1. Except as provided in 310 CMR 7.18(30)(a) and 310 CMR 7.18(30)(d), on and after January 1, 2015, no person shall manufacture for sale in Massachusetts any adhesive, sealant, adhesive primer, or sealant primer that contains VOCs in excess of the applicable VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2. The VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2 apply to adhesives, sealants, adhesive primers, and sealant primers as applied.
2. Except as provided in 310 CMR 7.18(30)(a) and 310 CMR 7.18(30)(d), on and after September 1, 2015, no person shall sell, supply, or offer for sale in Massachusetts any adhesive, sealant, adhesive primer, or sealant primer that contains VOCs in excess of the applicable VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2. The VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2 apply to adhesives, sealants, adhesive primers, and sealant primers as applied.
3. Except as provided in 310 CMR 7.18(30)(a), 310 CMR 7.18(30)(c)7., and 310 CMR 7.18(30)(d), on and after May 1, 2016, no person shall use, apply, or solicit the use or application of any adhesive, sealant, adhesive primer, or sealant primer in Massachusetts that contains VOCs in excess of the applicable VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2. The VOC content limits specified in 310 CMR 7.18(30)(c): Table 1 and Table 2 apply to adhesives, sealants, adhesive primers, and sealant primers as applied.
4. The VOC content limits in 310 CMR 7.18(30)(c): Table 1 and Table 2 shall apply as follows:
 - a. If an adhesive is used that is subject to a specific VOC content limit for such adhesive in 310 CMR 7.18(30)(c): Table 1, such specific limit shall apply rather than an adhesive-to-substrate limit specified in 310 CMR 7.18(30)(c): Table 2.
 - b. If an adhesive is used to bond dissimilar substrates together, the VOC limit for the applicable substrate category in 310 CMR 7.18(30)(c): Table 2 with the highest VOC content shall be the limit for such use.
5. No person subject to 310 CMR 7.18(30) shall:

- a. use any surface preparation solvent that contains a VOC content equal to or greater than 70 grams per liter of material except as provided in 310 CMR 7.18(30)(c)5.b. for single-ply roofing;
 - b. use any surface preparation solvent with a VOC composite vapor pressure, excluding water and exempt compounds, equal to or greater than 45 millimeter mercury (mm Hg) at 20° Celsius for application of single-ply roofing;
 - c. use any material with a VOC composite vapor pressure equal to or greater than 45 mm Hg at 20° Celsius for the removal of adhesives, sealants, adhesive primers, or sealant primers from any surface except as provided in 310 CMR 7.18(30)(c)5.d.;
 - d. remove any adhesive, sealant, adhesive primer, or sealant primer from the parts of spray gun equipment unless the operation is performed:
 - i. in an enclosed cleaning system, or equivalent cleaning system, which minimizes solvent evaporation during the cleaning, rinsing, and draining operations; and, collects the spent solvent in a container with a tight-fitting cover so that it is available for reuse, recycling, or proper disposal; or
 - ii. using a solvent with a VOC content less than or equal to 70 grams of VOC per liter of material; or
 - iii. when soaking parts containing dried adhesive, in a closed container that remains closed except when adding or removing parts, and using a solvent with a composite vapor pressure that does not exceed 9.5 mm Hg at 20° Celsius, excluding water and exempt compounds.
6. At a CTG-affected facility, any person subject to the requirements in 310 CMR 7.18(30)(c): Table 1 and Table 2 shall utilize one of the following application methods in applying an adhesive, sealant, adhesive primer, or sealant primer:
- a. electrostatic spray;
 - b. HVLP spray;
 - c. flow coat;
 - d. roll coat or hand application, including non-spray application methods similar to hand or mechanically powered caulking gun, brush, or direct hand application;
 - e. dip coat (including electrodeposition);
 - f. airless spray;
 - g. air-assisted airless spray;
 - h. any adhesive application method capable of achieving a transfer efficiency equivalent to or better than that achieved by HVLP spraying.
7. Any person using or applying an adhesive, sealant, adhesive primer, or sealant primer may comply with 310 CMR 7.18(30)(c)3. and 310 CMR 7.18(30)(c)5. by using add-on air pollution control equipment provided that the following requirements are met:
- a. the VOC emissions from the use of all adhesives, sealants, adhesive primers, or sealant primers that exceed the applicable limits in 310 CMR 7.18(30)(c): Table 1 and Table 2, and all surface preparation solvents and cleanup solvents are reduced by an overall capture and control efficiency of at least 85%, by weight;
 - b. compliance with the requirements for emissions capture and control equipment is demonstrated according to 310 CMR 7.18(2)(e);
 - c. operation records sufficient to demonstrate compliance with the requirements of 310 CMR 7.18(30)(c)7. are maintained as required by 310 CMR 7.18(30)(e); and
 - d. an emission control plan (ECP), pursuant to 310 CMR 7.18(20), is submitted to the Department for approval.
8. Any person using or applying adhesives, sealants, adhesive primers, and sealant primers, shall comply with the following work practices:
- a. store all VOC-containing adhesives, sealants, adhesive primers, sealant primers, process-related waste materials, and VOC-containing materials used for surface preparation, cleaning, and rework in closed containers;
 - b. ensure that mixing and storage containers used for VOC-containing adhesives, sealants, adhesive primers, sealant primers, process-related waste materials, and VOC-containing materials used for surface preparation, cleaning and rework are kept closed at all times except when depositing or removing these materials;
 - c. minimize spills of VOC-containing adhesives, sealants, adhesive primers, sealant primers, process-related waste materials, and VOC-containing materials used for surface preparation, cleaning, and rework;

d. convey VOC-containing adhesives, sealants, adhesive primers, sealant primers, process-related waste materials, and VOC-containing materials used for surface preparation, cleaning, and rework from one location to another in closed containers or pipes;

e. minimize VOC emissions from cleaning of application, storage, mixing, and conveying equipment by ensuring that: (i) equipment cleaning is performed without atomizing the cleanup solvent; and, (ii) all spent solvent is captured in closed containers; and

f. store and dispose of all absorbent materials, such as cloth or paper, that are contaminated with VOC-containing adhesives, sealants, adhesive primers, sealant primers, process-related waste materials, or VOC-containing materials used for surface preparation, cleaning, and rework in non-absorbent containers that shall be kept closed except when placing materials in or removing materials from the container.

9. No person shall solicit, require the use of, or specify the use or application of any adhesive, sealant, adhesive primer, or sealant primer if such use or application results in a violation of any provision of 310 CMR 7.18(30)(c). The prohibition of 310 CMR 7.18(30)(c)9. shall apply to all contracts under which any adhesive, sealant, adhesive primer, or sealant primer is to be used at any location in Massachusetts.

310 CMR 7.18(30)(c) Table 1
VOC Content Limits for Adhesives, Sealants, Adhesive Primers, and Sealant Primers

<u>Adhesive, Sealant, Adhesive Primer Or Sealant Primer Category</u>	<u>VOC Content Limit As Applied (grams/liter*)</u>
<u>ADHESIVES</u>	
<u>ABS Welding</u>	<u>400</u>
<u>Ceramic Tile Installation</u>	<u>130</u>
<u>Computer Diskette Jacket Manufacturing</u>	<u>850</u>
<u>Contact</u>	<u>250</u>
<u>Cove Base Installation</u>	<u>150</u>
<u>CPVC Welding</u>	<u>490</u>
<u>Indoor Floor Covering Installation</u>	<u>150</u>
<u>Metal to Urethane/Rubber Molding Or Casting</u>	<u>850</u>
<u>Multipurpose Construction</u>	<u>200</u>
<u>Nonmembrane Roof Installation/Repair</u>	<u>300</u>
<u>Outdoor Floor Covering Installation</u>	<u>250</u>
<u>Perimeter Bonded Sheet Vinyl Flooring Installation</u>	<u>660</u>
<u>Plastic Cement Welding (Non ABS)</u>	<u>500</u>
<u>PVC Welding</u>	<u>510</u>
<u>Sheet Rubber Lining Installation</u>	<u>850</u>
<u>Single-ply Roof Membrane Installation/Repair</u>	<u>250</u>
<u>Structural Glazing</u>	<u>100</u>
<u>Thin Metal Laminating</u>	<u>780</u>
<u>Tire Retread</u>	<u>100</u>
<u>Waterproof Resorcinol Glue</u>	<u>170</u>
<u>SEALANTS</u>	
<u>Architectural</u>	<u>250</u>
<u>Marine Deck</u>	<u>760</u>
<u>Nonmembrane Roof Installation/Repair</u>	<u>300</u>
<u>Roadway</u>	<u>250</u>
<u>Single-ply Roof Membrane</u>	<u>450</u>
<u>Other</u>	<u>420</u>
<u>ADHESIVE PRIMERS</u>	
<u>Automotive Glass</u>	<u>700</u>
<u>Plastic Cement Welding</u>	<u>650</u>
<u>Single-ply Roof Membrane</u>	<u>250</u>
<u>Traffic Marking Tape</u>	<u>150</u>
<u>Other</u>	<u>250</u>
<u>SEALANT PRIMERS</u>	
<u>Non-porous Architectural</u>	<u>250</u>
<u>Porous Architectural</u>	<u>775</u>
<u>Marine Deck</u>	<u>760</u>
<u>Other</u>	<u>750</u>

* The VOC content is determined as the weight of volatile compounds, less water and exempt compounds, as specified in 310 CMR 7.18(30)(f) (Compliance Procedures and Test Methods).

310 CMR 7.18(30)(c) Table 2
VOC Content Limit for Adhesives Applied to Particular Substrates

<u>Substrate Category</u>	<u>VOC Content Limit As Applied (grams/liter*)</u>
<u>Flexible Vinyl</u>	<u>250</u>
<u>Fiberglass</u>	<u>200</u>
<u>Metal</u>	<u>30</u>
<u>Porous Material</u>	<u>120</u>
<u>Reinforced Plastic Composite</u>	<u>200</u>
<u>Rubber</u>	<u>250</u>
<u>Wood</u>	<u>30</u>
<u>Other Substrates</u>	<u>250</u>

* The VOC content is determined as the weight of volatile compounds, less water and exempt compounds, as specified in 310 CMR 7.18(30)(f) (Compliance Procedures and Test Methods).

(d) Exemptions.

1. 310 CMR 7.18(30)(c)1. and 310 CMR 7.18(30)(c)2. shall not apply to the manufacture, sale, supplying, or offering for sale of an adhesive, sealant, adhesive primer, or sealant primer provided that:
 - a. the adhesive, sealant, adhesive primer, or sealant primer is for use in a facility that utilizes add-on air pollution control equipment to achieve compliance pursuant to 310 CMR 7.18(30)(c)7.; and
 - b. the manufacturer, distributor, seller, supplier and person offering for sale keep records demonstrating that the adhesive, sealant, adhesive primer, or sealant primer is intended for use in a facility that utilizes add-on air pollution control equipment to achieve compliance pursuant to 310 CMR 7.18(30)(c)7.
2. 310 CMR 7.18(30) shall not apply to the manufacture, sale, supplying, offering for sale, or use of adhesives, sealants, adhesive primers, and sealant primers being tested or evaluated in any research and development, quality assurance, or analytical laboratory, except that the requirements of 310 CMR 7.18(30)(c)8. and 310 CMR 7.18(30)(e)2. shall apply.
3. 310 CMR 7.18(30) shall not apply to the use or application of:
 - a. cyanoacrylate adhesives, except that the requirements of 310 CMR 7.18(30)(c)8. shall apply;
 - b. adhesives, sealants, adhesive primers, and sealant primers that are sold or supplied by the manufacturer or distributor in containers with a net volume of 16 fluid ounces or less, or a net weight of one pound or less, except that the requirements of 310 CMR 7.18(30)(c)8. shall apply. This exemption shall not apply to plastic cement welding adhesives.
 - c. adhesives, sealants, adhesive primers, and sealant primers that are used in the assembly, repair, and manufacture of aerospace or undersea-based weapon systems components, except that the requirements of 310 CMR 7.18(30)(c)8. shall apply;
 - d. adhesives, sealants, adhesive primers, and sealant primers that are used in the manufacture of medical equipment, except that the requirements of 310 CMR 7.18(30)(c)8. shall apply; and
 - e. adhesives, sealants, adhesive primers, and sealant primers in plaque laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992, except that the requirements of 310 CMR 7.18(30)(c)8. shall apply.
4. 310 CMR 7.18(30)(c)3. and 310 CMR 7.18(30)(c)5. shall not apply to the use or application of adhesives, sealants, adhesive primers, and sealant primers at a facility in which the total facility-wide VOC emissions from all adhesives, sealants, adhesive primers, and sealant primers used are less than 200 pounds per calendar year, or an equivalent volume. Any person claiming this exemption shall maintain sufficient monthly operational records in accordance with 310 CMR 7.18(30)(e) to demonstrate compliance with this exemption.

5. 310 CMR 7.18(30)(c)3. and 310 CMR 7.18(30)(c)5. shall not apply to the use or application of adhesives, sealants, adhesive primers, and sealant primers at a facility in which the facility-wide total volume of adhesives, sealants, adhesive primers, sealant primers, cleanup solvents, and surface preparation solvents does not exceed 55 gallons per calendar year. Any person claiming this exemption shall maintain sufficient monthly operational records in accordance with 310 CMR 7.18(30)(e) to demonstrate compliance with this exemption.

(e) Recordkeeping Requirements.

1. Each person subject to 310 CMR 7.18(30) shall maintain records demonstrating compliance with 310 CMR 7.18(30), including, but not limited to, the following information:

- a. for the manufacturer of any adhesive, sealant, adhesive primer, or sealant primer:
 - i. for each product, the product name, product category according to 310 CMR 7.18(30)(c): Table 1, and Table 2., the VOC content of each product as supplied, and the type of product application;
 - ii. the volume of each product sold in Massachusetts in containers with a net volume greater than 16 fluid ounces or a net weight of more than one pound;
 - iii. all records required pursuant to 310 CMR 7.18(30)(d)1.b.; and
 - iv. all records pertaining to compliance testing pursuant to 310 CMR 7.18(30)(h);
- b. for any person who sells, supplies, or offers for sale any adhesive, sealant, adhesive primer, or sealant primer:
 - i. for each product, the product name, product category according to 310 CMR 7.18(30)(c): Table 1, and Table 2., the VOC content of each product as supplied, and the type of product application;
 - ii. the volume of each product sold in Massachusetts in containers with a net volume greater than 16 fluid ounces or a net weight of more than one pound;
 - iii. all records required pursuant to 310 CMR 7.18(30)(d)1.b.; and
 - iv. any information required pursuant to 310 CMR 7.18(30)(e)2., if applicable;
- c. for any person who uses, or applies any adhesive, sealant, adhesive primer, or sealant primer:
 - i. a data sheet or materials list that provides the material name, product category according to 310 CMR 7.18(30)(c): Table 1, and Table 2., manufacturer identification, the VOC content of each product as supplied, and type of material application;
 - ii. a list of each adhesive, sealant, adhesive primer, sealant primer, cleanup solvent, and surface preparation solvent in use and in storage;
 - iii. a list of reducers, catalysts, or other components used and the as applied mix ratio;
 - iv. the final VOC content of any adhesive, sealant, adhesive primer, or sealant primer as applied;
 - v. the VOC content and vapor pressure, of any cleanup solvents, surface preparation solvents, reducers and catalysts, and VOC-containing materials used in the preparation, application, rework, and cleaning processes related to use or application of any adhesive, sealant, adhesive primer, or sealant primer;
 - vi. the monthly volume of each adhesive, sealant, adhesive primer, sealant primer, cleanup solvent, and surface preparation solvent used;
 - vii. for any person who complies with 310 CMR 7.18(30)(c)3. and 310 CMR 7.18(30)(c)5. through the use of add-on air pollution control equipment, the key operating parameters for the control equipment, including but not limited to, the following information:
 - (i). the volume used per day of cleanup solvents, surface preparation solvents, and each adhesive, sealant, adhesive primer, and sealant primer that is subject to a VOC content limit specified in 310 CMR 7.18(30)(c): Table 1 and Table 2; and
 - (ii). all records sufficient to demonstrate compliance with requirements specified in 310 CMR 7.18(30)(c)7., 310 CMR 7.18(2)(e), and 310 CMR 7.18(20);
 - viii. all records pertaining to compliance testing pursuant to 310 CMR 7.18(30)(h); and

ix. the monthly total facility-wide VOC emissions from all adhesives, sealants, adhesive primers, and sealant primers used or applied at any facility where a person is claiming an exemption pursuant to 310 CMR 7.18(30)(d)4.

2. For adhesives, sealants, adhesive primers, and sealant primers exempted under 310 CMR 7.18(30)(d)2., the person supplying the adhesives, sealants, adhesive primers, or sealant primers to the research and development, quality assurance, or analytical laboratory for testing or evaluation shall maintain records of all such materials supplied, including, but not limited to, the product name, the product category of the material, type of application, the VOC content of each material, and the volume of products supplied to the research and development, quality assurance, or analytical laboratory for testing or evaluation.

3. All records required to demonstrate compliance with 310 CMR 7.18(30) shall be maintained for three (3) years from the date such record is created and shall be made available to the Department upon request.

(f) Compliance Procedures And Test Methods.

1. VOC content (grams per liter and percent by weight) shall be determined according to the following calculations:

a. For adhesives, sealants, adhesive primers, and sealant primers that do not contain reactive diluents, grams of VOC per liter of material, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of material} = (W_s - W_w - W_e) / (V_m - V_w - V_e)$$

Where:

W_s = weight of volatile compounds, in grams

W_w = weight of water, in grams

W_e = weight of exempt compounds, in grams

V_m = volume of material, in liters

V_w = volume of water, in liters

V_e = volume of exempt compounds, in liters

b. For adhesives, sealants, adhesive primers, and sealant primers that contain reactive diluents, the VOC content of the material is determined after curing. The grams of VOC per liter of material, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of material} = (W_{rs} - W_{rw} - W_{re}) / (V_{rm} - V_{rw} - V_{re})$$

Where:

W_{rs} = weight of volatile compounds not consumed during curing, in grams

W_{rw} = weight of water not consumed during curing, in grams

W_{re} = weight of exempt compounds not consumed during curing, in grams

V_{rm} = volume of material not consumed during curing, in liters

V_{rw} = volume of water not consumed during curing, in liters

V_{re} = volume of exempt compounds not consumed during curing, in liters

c. For clean-up solvents, surface preparation solvents, low-solids adhesives, low-solids sealants, low-solids adhesive primers, and low-solids sealant primers, grams of VOC per liter of material shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of material} = (W_s - W_w - W_e) / V_m$$

Where:

W_s = weight of volatile compounds, in grams

W_w = weight of water, in grams

W_e = weight of exempt compounds, in grams

V_m = volume of material, in liters

d. Percent VOC by weight shall be calculated according to the following equation:

$$\% \text{ VOC by weight} = (W_v / W) \times 100$$

Where:

W_v = weight of VOCs, in grams

W = weight of material, in grams

2. The following tests and procedures shall be used to determine the properties of adhesives, sealants, adhesive primers, sealant primers, cleanup solvents, and surface preparation solvents, and any component thereof for the purpose of compliance verification with 310 CMR 7.18(30):

a. Except as provided in 310 CMR 7.18(30)(f)2.c., and 7.18(30)(f)2.d., the VOC and solids content of all non-aerosol adhesives, adhesive primers, sealants, sealant primers, surface preparation solvents, and cleanup solvents shall be determined using U.S. EPA Reference Method 24, as identified in 40 CFR 60, Appendix A, or SCAQMD Method 304. The procedure for reactive adhesives in Appendix A of the NESHAP for surface coating of plastic parts (40 CFR Part 63, Subpart PPPP) shall be used to determine the VOC content of reactive adhesives.

b. The volatile organic content of exempt compounds shall be determined using the applicable ASTM International test method or any other method approved by the Department and EPA.

c. The VOC content of any plastic cement welding adhesive or plastic cement welding primer shall be determined using SCAQMD Method 316A.

d. The amount of the VOC that becomes an integral part of the finished materials shall be determined using SCAQMD Method 316A.

e. The composite vapor pressure of organic compounds in surface preparation solvents and cleanup solvents shall be determined by quantifying the amount of each compound in the blend using the applicable ASTM International gas chromatographic analysis test method for organics and the applicable ASTM International test method for water content, or any other method approved by the Department and EPA, and the following equation:

$$P_{pc} = \frac{\sum_{i=1}^n (W_i)(V_{p_i}) / M_{w_i}}{[(W_w / M_{w_w}) + \sum_{i=1}^n (W_e / M_{w_e}) + \sum_{i=1}^n (W_i / M_{w_i})]}$$

Where:

P_{pc} = VOC composite partial pressure at 20 C, in mm Hg

- W_i = Weight of the "i"th VOC compound, in grams, as determined by the applicable ASTM International test method or any other method approved by the Department and EPA
- W_w = Weight of water, in grams, as determined by the applicable ASTM International test method or any other method approved by the Department and EPA
- W_e = Weight of the "i"th exempt compound, in grams, as determined by the applicable ASTM International test method or any other method approved by the Department and EPA
- Mw_i = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature
- Mw_w = Molecular weight of water, 18 grams per g-mole
- Mw_e = Molecular weight of the "i"th exempt compound, in grams per g-mole, as given in chemical reference literature
- Vp_i = Vapor pressure of the "i"th VOC compound at 20 C, in mm Hg, as determined by 310 CMR 7.18(30)(e)2.f.

f. The vapor pressure of each single component compound may be determined from the applicable ASTM International test method, or any other method approved by the Department and EPA, or may be obtained from any of the following sources:

- i. the most recent edition of *The Vapor Pressure of Pure Substances*, Boublik, Fried, and Hala; Elsevier Scientific Publishing Company, New York;
- ii. the most recent edition of *Perry's Chemical Engineer's Handbook*, McGraw-Hill Book Company;
- iii. the most recent edition of *CRC Handbook of Chemistry and Physics*, Chemical Rubber Publishing Company;
- iv. the most recent edition of *Lange's Handbook of Chemistry*, John Dean, editor, McGraw-Hill Book Company; or
- v. additional sources approved by the SCAQMD or other California air districts.

3. If air pollution control equipment is used to meet the requirements of 310 CMR 7.18(30), the owner or operator shall make the following determinations:

- a. The measurement of capture efficiency shall be conducted and reported in accordance with the EPA Technical Document, *Guidelines for Determining Capture Efficiency*, issued January 9, 1995; and
- b. The control efficiency shall be determined in accordance with U.S. EPA Methods 25, 25A, 25B or CARB Method 100.

(g) Container Labeling.

1. The manufacturer of an adhesive, sealant, adhesive primer, or sealant primer subject to 310 CMR 7.18(30) shall display the following information on the product container or label:

- a. a statement of the manufacturer's recommendation regarding thinning, reducing, or mixing of the product, except that:
 - i. this requirement does not apply to the thinning of a product with water; and
 - ii. if thinning of the product prior to use is not necessary, the recommendation must specify that the product is to be applied without thinning;
- b. the maximum or the actual VOC content of the product in accordance with 310 CMR 7.18(30)(f), as supplied, displayed in grams of VOC per liter of product; and
- c. the maximum or the actual VOC content of the product in accordance with 310 CMR 7.18(30)(f), which includes the manufacturer's maximum recommendation for thinning, as applied, displayed in grams of VOC per liter of product.

(h) Compliance Testing Requirements.

1. The manufacturer of an adhesive, adhesive primer, sealant, or sealant primer subject to 310 CMR 7.18(30) shall determine compliance with the VOC content requirements of this regulation in accordance with 310 CMR 7.18(30)(f).

2. Any person who uses or applies an adhesive, adhesive primer, sealant, or sealant primer subject to 310 CMR 7.18(30) shall determine compliance with the VOC content requirements of this regulation according to the following:
 - a. manufacturer's labeling and product technical data information; or
 - b. testing in accordance with provisions of 310 CMR 7.18(30)(f).
3. Any person utilizing an air pollution control device shall, upon request of the Department, perform or have performed tests to demonstrate compliance with 310 CMR 7.18(30)(c)7.
4. Any person utilizing a spray gun system shall, upon request of the Department, perform or have performed tests to evaluate the spray gun cleaning system.

[Amend 310 CMR 7.00 Appendix B(4)(b)7. as follows.]

7. For facilities ~~which that~~ have ~~Department approved~~ bubbles ~~where that were approved by the Department under 310 CMR 7.18(2)(b) and for which~~ the application was received prior to May 25, 1988, the approved bubble conditions, recordkeeping and reporting requirements shall remain in force and no revision of said bubble approvals is required by 310 CMR 7.00 Appendix B(4), unless and until the facility seeks to have the existing bubble approval modified. At that time, the request to modify the bubble shall be subject to 310 CMR 7.00 Appendix B(4). However, with respect to those bubbles that were approved by the Department under 310 CMR 7.18(2)(b) and for which the application was received prior to May 25, 1988, modification of said bubbles solely to incorporate a more stringent Reasonably Available Control Technology adopted pursuant to 310 CMR 7.18 shall not make the facility subject to 310 CMR 7.00: Appendix B(4).

[Amend 310 CMR 7.19(1)(c)9. as follows.]

9. Any person who, since January 1, 1990, obtains a plan approval for an emission unit under 310 CMR 7.02 where said approval establishes BACT or LAER to be no less stringent than RACT for a facility size and type as defined in 310 CMR 7.19 ~~at the time of plan approval~~. Such person shall comply with the BACT or LAER established in the plan approval, and is not subject to RACT standards of 310 CMR 7.19 as may otherwise be applicable, until the applicable RACT standards of 310 CMR 7.19 become more stringent than the BACT or LAER established in the plan approval, at which point the person shall become subject to the updated RACT standards.