

## Chapter NR 425

**COMPLIANCE SCHEDULES, EXCEPTIONS, REGISTRATION  
AND DEFERRALS FOR ORGANIC COMPOUND EMISSION  
SOURCES IN CHS. NR 419 TO 424**

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**NR 425.01 Applicability; purpose.** (1) **APPLICABILITY.** This chapter applies to all air contaminant sources governed by chs. NR 419 to 424 and to their owners and operators.

(2) **PURPOSE.** This chapter is adopted under ss. 144.31 and 144.38, Stats., to establish time schedules for air contaminant sources governed by chs. NR 419 to 424 to meet the emission limits set for each specific organic compound emission source, to specify exceptions to the requirements of chs. NR 419 to 424, to establish an internal offset system, to establish criteria for granting compliance schedule delays and to create a registration requirement for the use of specified organic compounds.

**History:** Cr. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) and (2), Register, February 1990, No. 410, eff. 3-1-90.

**NR 425.02 Definitions.** In addition to the definitions in this section, the definitions contained in chs. NR 400, 419, 420 and 421 apply to the terms used in this chapter.

(1) "Energy intensive control device" means an air pollution control device or system which consumes energy at a rate in excess of what would be required to heat the exhaust gas stream from 70°F to 800°F, taking into account energy recovered in the form of heat or organic compounds.

(2) "Hydrophobic substrate" means any substrate that is resistant to or avoids wetting. This may include but is not limited to polyethylene, polypropylene, cellophane, metalized polyester, nylon and mylar.

**History:** Renum. from NR 154.01, Register, September, 1986, No. 369, eff. 10-1-86; am. (Intro.), Register, February, 1990, No. 410, eff. 3-1-90.

**NR 425.03 Compliance schedules.** (1) **EFFECTIVE DATES.** Subsections (2) to (8) do not apply to a source which is in compliance with the emission limitations of chs. NR 419 to 424, provided the source has determined and certified compliance to the satisfaction of the department within 90 days after the date specified in the effective date table, nor do subs. (2) to (7) apply to a source on which construction or modification commenced on or after the specified date. Sources on which construction or modification commenced on or after the date specified in the effective date table shall meet the emission requirements of chs. NR 419 to 424 in accordance with the provisions of sub. (8).

## Effective Date Table

The effective date listed under the DATE column applies to the requirements outlined in all sections listed in the SECTION column to the right of the effective date in this TABLE.

| DATE    | SECTION   |
|---------|---|
| 8-1-79  | 420.03 (5), 420.04 (1) (b), (c) and (f), (2) (b), (c) 1 and 2, (d), (e) and (h), (3) (b) 1 and 2, (c), (e), (f), (g) 1 and 2, (h) and (i), 420.05 (1) to (3), 422.05 to 422.08, 422.09 to 422.12 and 423.03 |
| 7-1-80  | 420.03 (4)  |
| 4-1-81  | 420.03 (6) and (7), 420.04 (1) (d) and (e), (2) (f) and (g), (3) (d) and (g) 3, (4) (b), 420.05 (4), 421.03 (1) to (3), 421.04, 422.13, 422.14, 422.15 and 423.04   |
| 10-1-81 | 420.04 (1) (g), (2) (c) 3 and (3) (b) 3   |
| 12-1-83 | 423.05  |
| 2-1-87  | 422.085   |

(2) PROCESS AND EMISSION CONTROL EQUIPMENT INSTALLATIONS. (a) Except as provided under sub. (5) and s. NR 425.04, the owner or operator of a VOC emission source proposing to install and operate VOC emission control equipment or replacement process equipment to comply with the emission limiting requirements of chs. NR 419 to 424 may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Award contracts for the emission control systems or process equipment or issue orders for purchase of component parts to accomplish emission control within 8 months.
3. Commence construction or installation of the emission control system or process equipment within 13 months.
4. Complete construction or installation of the emission control system or process equipment within 25 months.
5. Achieve final compliance within 26 months of the date specified in the effective date table for that source.

(b) Any owner or operator of a source subject to the compliance schedule of par. (a) shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(3) LOW SOLVENT CONTENT COATING OR INK. (a) Except as provided under pars. (b) to (e) and subs. (5) and (7m), the owner or operator of a VOC source proposing to employ low solvent content coating or ink application technology to comply with the requirements of chs. NR 419 to 424 may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.

2. Complete research and development work on low solvent content coatings or inks within 14 months.

3. Complete evaluation of product quality and commercial acceptability within 18 months.

4. Issue purchase orders for low solvent content coatings or inks and process modifications within 19 months.

5. Commence process modifications within 21 months.

6. Complete process modifications and begin the use of low solvent content coatings or inks within 27 months.

7. Achieve final compliance within 28 months of the date specified in the effective date table for that source.

(b) The owner or operator of a can coating or flexible packaging facility proposing to employ low solvent content coating technology to comply with the requirements of s. NR 422.05 (2) (d) or 422.07 (2) may exceed each of the deadlines in par. (a) 2 to 7 by 12 months in developing acceptable can end sealing compounds or coatings for hydrophobic flexible packaging substrates.

(c) The owner or operator of a graphic arts facility proposing to employ low solvent content ink application technology to comply with the requirements of s. NR 422.14 may, for hydrophobic substrates, extend the date for achieving final compliance to December 31, 1985, provided:

1. Final plans for achieving compliance are submitted by September 1, 1981;

2. The plans include the increments of progress described in par. (a) 2 to 6;

3. Sufficient documentation is submitted to justify the extension; and

4. The plans provide for final compliance by December 31, 1985 through the use of an emission reduction system described in s. NR 422.14 (2) (c) and (3) in case the product quality and commercial acceptability evaluation shows low solvent content ink application technology to be unsatisfactory.

(d) The owner or operator of a miscellaneous metal parts and products coating facility proposing to employ low solvent content coating technology to comply with the requirements of s. NR 422.15 may, for extreme performance coatings requiring prolonged product quality evaluation periods, extend final compliance provided:

1. Final plans for achieving compliance are submitted by September 1, 1981;

2. The plans include the increments of progress described in par. (a) 2 to 6;

3. Sufficient documentation is submitted to justify the extension; and

4. Final compliance is extended to accommodate the prolonged evaluation period but in no case beyond December 31, 1985.

(e) Where the department determines that the low solvent content coating or ink application technology has been sufficiently researched

and developed for a particular application, the owner or operator of a VOC source proposing to comply with the requirements of chs. NR 419 to 424 through application of low solvent content coatings or inks may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Complete evaluation of product quality and commercial acceptability within 11 months.
3. Issue purchase orders for low solvent content coatings or inks and process modifications within 13 months.
4. Commence process modifications within 15 months.
5. Complete process modifications and begin the use of low solvent content coatings or inks within 20 months.
6. Achieve final compliance within 21 months of the date specified in the effective date table for that source.

(f) Any owner or operator of a stationary source subject to one of the compliance schedules in this subsection shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(4) **EQUIPMENT MODIFICATION.** (a) Except as provided under subs. (5) and (7m), the owner or operator of a VOC source proposing to comply with the requirements of chs. NR 419 to 424 by modification of existing processing or emission control equipment may not exceed the deadlines specified for the following increments of progress as measured from the date specified in the effective date table for that source:

1. Submit final plans for achieving compliance within 5 months.
2. Award contracts for equipment modifications or issue orders for the purchase of component parts to accomplish equipment modifications within 7 months.
3. Commence construction or installation of equipment modifications within 10 months.
4. Complete construction or installation of equipment modifications within 16 months.
5. Achieve final compliance within 20 months of the date specified in the effective date table for that source.

(b) Any owner or operator of a source subject to the compliance schedule of par. (a) shall certify to the department, within 7 days after the deadline for each increment of progress, whether the required increment of progress has been achieved.

(5) **ALTERNATE COMPLIANCE SCHEDULES.** (a) Notwithstanding the deadlines specified in subs. (2) to (4), for any particular source the department may issue or approve a separate compliance schedule with earlier deadlines, if it finds that such a schedule would be feasible, or with later deadlines if it finds that those specified in subs. (2) to (4) would not be feasible. The alternate compliance schedule may be proposed by the

owner or operator of a VOC source. If the alternate compliance schedule provides later deadlines, the following conditions shall be met:

1. A request for an alternate compliance schedule shall be received by the department within 2 months of the date specified in the effective date table for that source.

2. Final plans for achieving compliance with the requirements of chs. NR 419 to 425 shall be submitted within 5 months of the date specified in the effective date table for that source.

3. The alternative compliance schedule shall include the same increments of progress as the schedule it is to replace.

4. Sufficient documentation and certification from appropriate suppliers, contractors, manufacturers, or fabricators shall be submitted by the owner or operator to justify the new deadlines proposed for the increments of progress.

(b) All alternate compliance schedules proposed or promulgated under this subsection shall provide for compliance of the source with the requirements of chs. NR 419 to 424 as expeditiously as practicable but not later than December 31, 1982 or, where the owner or operator proposes to comply through development of a new surface coating which is subject to approval by a federal agency, not later than December 31, 1985.

(c) Any schedule approved under this subsection may be revoked at any time if the source does not meet the deadlines specified for the increments of progress. Upon any such revocation the applicable schedule under subs. (2) to (4) shall be in effect.

(6) PHASED EMISSION REDUCTION SCHEDULES. (a) This subsection applies only to sources covered under ss. NR 422.09 and 422.15 (3).

(b) Except as provided under sub. (7m), the owner or operator of a source required to undertake a phased compliance program may not exceed the following deadlines:

1. Plans for the program of phased compliance shall be submitted within 12 months of the date specified in the effective date table for that source.

2. The compliance plan shall specify increments of progress with such deadlines as necessary to meet interim compliance dates specified in the applicable rule.

3. Final compliance shall be on or before the date specified in the applicable rule or approved compliance plan, but not later than December 31, 1987.

(7) FINAL COMPLIANCE PLANS. (a) If the department finds any compliance plan submitted under this chapter to be unsatisfactory, it may require that the plan be resubmitted with appropriate revisions.

(b) Process lines subject to requirements of this chapter on which construction or modification commenced on or before August 1, 1979 shall continue to comply with the requirements of s. NR 424.03 (2) (a) during any interim period prior to the final compliance date in the applicable compliance schedule.

(c) Process lines covered under ss. NR 420.03 (6), 420.04 (1) (d), (e) and (g), (2) (c) 3, (f) and (g), (3) (b) 3, (d) and (g) 3, 420.05 (4), 421.03 (1) to (3), 421.04, 422.13 to 422.15, 423.04 and 423.05, on which construction or modification commenced on or after August 1, 1979, but before April 1, 1981, shall continue to comply with the requirements of s. NR 424.03 (2) (b) during any interim period prior to the final compliance date in the applicable compliance schedule.

Note: The reference to s. NR 424.03 (2) (b) refers to that section as it existed prior to its repeal on May 1, 1989.

(d) Process lines covered under s. NR 421.04 on which construction or modification commenced on or after April 1, 1981 but before August 31, 1981, and process lines covered under s. NR 423.05 (1) on which construction or modification commenced on or after April 1, 1981 but before December 1, 1983, shall continue to comply with the requirements of s. NR 424.03 (2) (c) during any interim period prior to the final compliance date in the applicable compliance schedule.

Note: The reference to s. NR 424.03 (2) (c) refers to that section as it existed prior to May 1, 1989. As of May 1, 1989, s. NR 424.03 (2) (c) was renumbered to be s. NR 424.03 (2) (b) and amended.

(e) Where a source is not subject to requirements of this chapter and was previously unregulated under chs. NR 419 to 424, the final compliance plan shall specify reasonable measures to minimize emissions of VOCs during the interim period prior to the final compliance date.

(7m) COMPLIANCE SCHEDULE DELAYS. Notwithstanding any compliance schedule approved or issued under this section, the department may approve a new compliance schedule which provides additional time for completion of an increment of progress, provided:

(a) That the owner or operator of the source is able to document to the department's satisfaction that the source is unable to meet the applicable deadline under this section for the increment of progress due to circumstances beyond the owner or operator's control which could not reasonably have been avoided by using all prudent planning;

(b) That final compliance for sources covered under ss. NR 420.03 (5), 420.04 (1) (b), (c) and (f), (2) (b), (c) 1 and 2, (d), (e) and (h), (3) (b) 1 and 2, (c), (e), (f), (g) 1 and 2, (h) and (i), 420.05 (1) to (3), 422.05 to 422.08, 422.10 to 422.12 and 423.03 (3) to (5) is not later than December 31, 1982; and

(c) That final compliance for sources covered under ss. NR 420.03 (6), 420.04 (1) (d), (e) and (g), (2) (c) 3, (f) and (g), (3) (b) 3, (d) and (g) 3, 420.05 (4), 421.03 (1) to (3), 421.04, 422.13 to 422.15 and 423.04 is not later than that required in this section.

(8) NEW AND MODIFIED SOURCES. Any source on which construction or modification commenced on or after the date specified for such source in the effective date table shall meet the emission limitations of chs. NR 419 to 425 upon startup unless the owner or operator of the source demonstrates, to the satisfaction of the department, that compliance upon startup would be technologically infeasible. Such sources shall instead meet a department-specified compliance schedule which provides for interim emission limitations and for ultimate compliance with the emission limitations of chs. NR 419 to 425. Ultimate compliance shall be as soon as practicable but in no event later than the final compliance date the Register, August, 1994, No. 464

source would have been required to meet under sub. (2), (3), (4) or (6) if it had been constructed or modified prior to the date specified in the effective date table.

(9) **LEATHER COATING.** (a) This subsection applies only to a leather coating facility in existence on January 1, 1994 and:

1. Located in the county of Door, Kewaunee, Manitowoc, Sheboygan or Walworth, or

2. Located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha and which was not subject to this section prior to January 1, 1994.

(b) The owner or operator of any source identified under par. (a) shall:

1. Notify the department's bureau of air management in writing by April 1, 1994. This notification shall provide the name and location of the affected facility and include VOC emission data from coating applications if necessary to support eligibility under this subsection.

2. Achieve final compliance with the requirements of s. NR 422.085 no later than May 31, 1995.

(10) **SOURCES OF VOCs WITH VAPOR PRESSURES LESS THAN OR EQUAL TO 0.1 MILLIMETERS OF MERCURY (0.0019 PSIA) AT STANDARD CONDITIONS.** (a) This subsection applies only to sources constructed or last modified before March 1, 1990 which fail to meet an applicable VOC emission limitation of chs. NR 419 to 424 as a result of the amendment to s. NR 400.02 (100) which became effective on March 1, 1990.

(b) The owner or operator of any source subject to this subsection shall:

1. Notify the department's bureau of air management in writing by 90 days after March 1, 1990. This notification shall identify the name and location of the affected facility and the specific coatings and inks used at that facility which are eligible for the compliance extension under this subsection.

2. Achieve final compliance no later than March 1, 1991.

(c) For sources which were subject to an emission limitation under chs. NR 419 to 424 before March 1, 1990, the compliance schedule in par. (b) shall only apply to those coatings or inks which contained organic compounds with a vapor pressure less than or equal to 0.1 millimeters of mercury (0.0019 psia) at standard conditions and which the source relied on to comply with the applicable emission limitation prior to March 1, 1990.

(d) The department may, by order issued under ss. 144.31 (2) (b) and 144.423, Stats., authorize a source not in compliance with an emission limitation prescribed in chs. NR 419 to 424 as a result of the amendment to s. NR 400.02 (100) which became effective on March 1, 1990 to achieve compliance as expeditiously as practicable but not later than March 1, 1993. The department shall hold a public hearing in accordance with its rules prior to authorizing any period of delayed compliance which exceeds 30 days in duration. No order under this subsection may be issued unless the requirements of s. NR 436.04 (2) (g) and (h) are satisfied.

(11) **BULK GASOLINE PLANTS AND GASOLINE DISPENSING FACILITIES IN DOOR AND KEWAUNEE COUNTIES.** (a) This subsection applies only to bulk gasoline plants and gasoline dispensing facilities located in Door or Kewaunee county on which construction or last modification commenced before November 15, 1992, and which are required to comply with the requirements of s. NR 420.04 (2) or (3).

(b) The owner or operator of any bulk gasoline plant subject to the requirements of s. NR 420.04 (2) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary tank, in gallons, located at the facility, the material stored in each stationary storage tank and the yearly throughput of gasoline at the facility for the calendar years 1990, 1991 and 1992; and

2. Achieve final compliance with s. NR 420.04 (2) no later than November 15, 1994.

(c.) The owner or operator of any gasoline dispensing facility subject to the requirements of s. NR 420.04 (3) shall:

1. Notify the department in writing by July 1, 1993, of the affected facility, the storage capacity of each stationary storage tank, in gallons, located at the facility, and the material stored in each stationary storage tank.

2. Achieve final compliance with the requirements of s. NR 420.04 (3) no later than November 15, 1994.

(12) **MISCELLANEOUS FACILITIES.** (a) This subsection applies only to a facility which is in existence on January 1, 1994 and which:

1. Prior to January 1, 1994 was exempt from the requirements of ss. NR 422.04 to 422.155 under ss. NR 422.03 (1) or (2), or

2. Is located in the county of Door or Kewaunee and which prior to January 1, 1994 was exempt from the requirements of ss. NR 422.05 to 422.08, 422.09 to 422.13, 422.15 or 422.155 under s. NR 422.03 (3), or

3. Is located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha and which prior to January 1, 1994 was exempt from the requirements of s. NR 422.14 under s. NR 422.03 (4), or

4. Fails to meet an emission limitation applicable under s. NR 422.14 (2) (c) as a result of the amendment to s. NR 422.14 (3) which became effective on January 1, 1994, or

5. Prior to January 1, 1994 was exempt from the requirements of s. NR 422.15 under s. NR 422.15 (1) (e), (g) or (j), or

6. Fails to meet an emission limitation applicable under s. NR 422.15 (2) or (3) as a result of the amendment to s. 422.15 (5) (intro.) which became effective on January 1, 1994, or

7. Prior to January 1, 1994 was exempt from the requirements of s. NR 423.03 (3) or (6) for one of the following reasons:

a. The facility was located outside the counties of Brown, Calumet, Dane, Dodge, Fond du Lac, Jefferson, Kenosha, Manitowoc, Milwaukee, Register, August, 1994, No. 464

kee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha and Winnebago.

b. Conveyorized non-vapor degreasers at the facility had a total horizontal solvent-air interface smaller than 2.0 square meters (21.6 square feet).

(b) The owner or operator of any source identified under par. (a) shall:

1. Notify the department's bureau of air management in writing by April 1, 1994. This notification shall provide the name and location of the affected facility and include information adequate to support eligibility for the schedule provided under this subsection.

2. Achieve final compliance with the applicable requirements no later than May 31, 1995.

(13) ALTERNATIVE OR EQUIVALENT METHODS. (a) This subsection applies only to a facility in existence on January 1, 1994 and which, prior to January 1, 1994, received written approval from the department to use an alternative or equivalent VOC control method as allowed in chs. NR 419 to 424, or received written approval from the department to use an alternative, equivalent or other specific method or procedure for determining compliance with emission limitations for an ozone precursor, as allowed in s. NR 439.06.

(b) The owner or operator of any source identified under par. (a) shall:

1. Notify the department's bureau of air management in writing by April 1, 1994. This notification shall provide the name and location of the affected facility and shall include a copy of the department approval referred to in par. (a). A copy of the notification required under this subdivision shall be maintained at the facility until at least January 1, 1995.

2. No later than January 1, 1995:

a. Achieve compliance with the applicable control method specified under chs. NR 419 to 424 or the applicable reference method specified under ss. NR 439.06 to 439.095; or

b. Notify the department's bureau of air management in writing that it is the owner's or operator's intent to continue to use the approved alternative or equivalent method; or

c. Submit a written request to the department's bureau of air management for approval to use a proposed alternative or equivalent method as allowed in chs. NR 419 to 424 and s. NR 439.06.

(c) 1. Upon receipt of a notification under par. (b) 2 b, the department shall submit the approved alternative or equivalent method to the administrator of the U.S. environmental protection agency or designee as a source-specific revision to the department's state implementation plan for ozone.

2. A request submitted under par. (b) 2 c shall be reviewed by the department and if approved, submitted to the administrator of the U.S. environmental protection agency or designee as a source-specific revision to the department's state implementation plan for ozone.

3. Notwithstanding par. (b) 2 b and c, unless or until an alternative or equivalent method as allowed in chs. NR 419 to 424 or s. NR 439.06 is

approved by the administrator of the U.S. environmental protection agency or designee as a source-specific revision to the department's state implementation plan for ozone, the applicable control methods specified under chs. NR 419 to 424 and reference methods specified under ss. NR 439.06 to 439.095 shall be federally enforceable January 1, 1995.

**History:** Renum. from NR 154.13 (12) (a) (intro.) and (b) to (h) and am. Register, September, 1986, No. 369, eff. 10-1-86; am. (1) table, cr. (9), Register, January, 1987, No. 373, eff. 2-1-87; corrections in (7) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1989; am. (2) (a) (intro.), (3) (a) (intro.) and (e), (4) (a) (intro.), (6) (b) (intro.), (7) (c) and (d) and (8), am. (7m) as renum. from NR 425.04 (4), cr. (10), Register, February, 1990, No. 410, eff. 3-1-90; cr. (11), Register, January, 1993, No. 445, eff. 2-1-93; r. and recr. (9), cr. (12) and (13), Register, December, 1993, No. 456, eff. 1-1-94; am. (12) (a) 7., Register, August, 1994, No. 464, eff. 9-1-94; correction in (12) (a) 1., made under s. 13.93 (2m) (b) 7, Stats., Register, August, 1994, No. 464.

**NR 425.035 Throughput reporting and compliance schedules for motor vehicle fueling.** (1) **APPLICABILITY.** This section applies only to owners or operators of gasoline dispensing facilities which are subject to s. NR 420.045.

(2) **THROUGHPUT REPORTING.** The owner or operator of a gasoline dispensing facility which is in operation prior to January 1, 1993, shall submit a report to the department by March 1, 1993, which contains all of the following:

- (a) The facility owner and operator;
- (b) The facility address, including county;
- (c) The date on which the last construction or modification of the facility was completed;
- (d) The quantity of gasoline, in gallons, dispensed at the facility for each month of the calendar years 1991 and 1992;
- (e) Any period of time during the calendar years 1991 and 1992 when the gasoline dispensing facility was not operating; and
- (f) Certification that the owner of the gasoline dispensing facility is an independent small business marketer if the owner claims exemption from the requirements of s. NR 420.045 by use of s. NR 420.045 (1) (d).

(3) **COMPLIANCE SCHEDULES.** (a) The owner or operator of a gasoline dispensing facility on which construction or physical modification commenced on or after May 15, 1993, shall do all of the following:

1. Submit a compliance plan to the department at least 60 days prior to start of construction or modification of the vapor recovery system. The compliance plan shall contain, at a minimum, all of the following:

- a. Facility name.
- b. Facility owner and operator, if different from that previously reported under sub. (2).
- c. Facility employe designated to serve as a contact person regarding the vapor recovery system.
- d. Facility address including county.
- e. Number of dispensers and gasoline dispensing nozzles.

f. Type of vapor recovery system which is proposed for installation at the facility, including California air resources board certification number.

g. Date the vapor recovery system is expected to be installed.

2. Notify the department at least 5 working days before construction or modification of the vapor recovery system begins.

3. Achieve final compliance with s. NR 420.045 before startup and initial operation of any new or modified vapor recovery system.

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