

RULE SUMMARY

Subject: **Streamlining of Permit Exemptions Rule (525)**

| Rule Citation | What is Changed | Purpose of Change (Why) | Who is Affected and How | Impacts |
|---|--|---|---|---|
| <p>15A NCAC 02Q .0102, <i>Activities Exempted From Permit Requirements</i></p> <p>15A NCAC 02Q .0302, <i>Facilities Not Likely To Contravene Demonstration</i></p> <p>15A NCAC 02Q .0318, <i>Changes Not Requiring Permit Revisions</i></p> <p>15A NCAC 02Q .0903, <i>Emergency Generators And Stationary Reciprocating Internal Combustion Engines</i></p> | <p>Rule 15A NCAC 02Q.0102 is proposed for amendment to simplify the rule to make it easier to understand. New exemption requirements are also added. Facilities with actual emissions less than five tons per year of each specified pollutant or total aggregate actual emissions of 10 tons per year would be exempt from permitting. Facilities that are not exempt and have total aggregate actual emissions less than 25 tons per year would be eligible for registration instead of obtaining a permit.</p> <p>Rule 15A NCAC 02Q .0302 is proposed for amendment to remove</p> | <p>Rule 15A NCAC 02Q .0102 had been amended a number of times since it was adopted in 1994. Each amendment added complexity to the rule that made it difficult to understand and implement. DAQ formed an internal workgroup to simplify the rule. Simultaneously, DAQ looked to new ways to reduce regulatory burden while not impacting air quality.</p> <p>The rule changes provide regulatory relief to a large number of small facilities that have very low emissions.</p> <p>The rule changes also provide some regulatory relief to permitted facilities by allowing them to make some changes to their sources without requiring a</p> | <p>Facilities with actual emissions less than five tons per year of each specified pollutant or total aggregate actual emissions of 10 tons per year would be exempt from permitting.</p> <p>Facilities that are not exempt from permitting under the new proposed exemption levels and have total aggregate actual emissions less than 25 tons per year would be eligible for registration instead of obtaining a permit.</p> <p>GACT facilities would be exempt or not exempt from permitting based on the exemptions in the proposed permit exemption rule (15A NCAC 02Q .0102).</p> <p>Stationary reciprocating</p> | <p>Preliminary estimates indicate that of the 1853 currently permitted facilities, 915 facilities will become exempt from permitting and 258 facilities will be eligible for registration.</p> <p>Preliminary estimates also indicate that approximate 33% to 50% of facilities that submit permit revisions under the current rules may be able to make changes without modifying their permit under the requirements in the new rule 15A NCAC 02Q .0318.</p> <p>A formal fiscal note is being developed for OSBM approval by the September EMC meeting.</p> |

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|---------------|--|----------------------------------|--|---------|
| | <p>the requirement that GACT sources are required to be permitted.</p> <p>15A NCAC 02Q .0318 is proposed for adoption to allow facilities to make minor changes without first modifying their permit.</p> <p>Rule 15A NCAC 02Q .0903 is proposed for amendment to add an exemption from permitting for stationary reciprocating internal combustion engines if the engine is the only source of emissions at the facility.</p> | <p>revision to their permit.</p> | <p>internal combustion engines would be exempt from permitting if they meet and comply with the requirements in Rule 15A NCAC 02Q .0903.</p> | |

1 15A NCAC 02Q .0102 is proposed for amendment as follows:

2
3 **15A NCAC 02Q .0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS**

4 ~~(a) This Rule does not apply to facilities required to have a permit under Section .0500 of this Subchapter. This~~
5 ~~Rule applies only to permits issued under Section .0300 of this Subchapter.~~

6 ~~(b) If a source is subject to any of the following rules, then the source is not exempted from permit requirements:~~

7 ~~(1) — new source performance standards under Rule 15A NCAC 02D .0524 or 40 CFR Part 60, except~~
8 ~~when the following activities are eligible for exemption under Paragraph (c) of this Rule:~~

9 ~~(A) — 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating~~
10 ~~units;~~

11 ~~(B) — 40 CFR Part 60, Subparts K, Ka, or Kb, volatile organic liquid storage vessels;~~

12 ~~(C) — 40 CFR Part 60, Subpart AAA, new residential wood heaters;~~

13 ~~(D) — 40 CFR Part 60, Subpart JJJ, petroleum dry cleaners;~~

14 ~~(E) — 40 CFR Part 60, Subpart WWW, municipal solid waste landfills;~~

15 ~~(F) — 40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion~~
16 ~~engines; or~~

17 ~~(G) — 40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion engines;~~

18 ~~(2) — national emission standards for hazardous air pollutants under Rule 15A NCAC 02D .1110 or 40~~
19 ~~CFR Part 61, except asbestos demolition and renovation activities, which are eligible for~~
20 ~~exemption under Paragraph (c) of this Rule;~~

21 ~~(3) — prevention of significant deterioration under Rule 15A NCAC 02D .0530;~~

22 ~~(4) — new source review under Rule 15A NCAC 02D .0531 or .0532;~~

23 ~~(5) — sources of volatile organic compounds subject to the requirements of Section .0900, Volatile~~
24 ~~Organic Compounds, that are located in Mecklenburg County according to Rule 15A NCAC 02D~~
25 ~~.0902(f);~~

26 ~~(6) — sources required to apply maximum achievable control technology (MACT) for hazardous air~~
27 ~~pollutants under Rule 15A NCAC 02D .1109, .1111, .1112, or 40 CFR Part 63 that are required to~~
28 ~~have a permit under Section .0500 of this Subchapter;~~

29 ~~(7) — sources at facilities subject to Section .1100 of Subchapter 02D. (If a source qualifies for an~~
30 ~~exemption in Subparagraphs (a)(1) through (a)(24) of 15A NCAC 02Q .0702, or does not emit a~~
31 ~~toxic air pollutant for which the facility at which it is located has been modeled, it shall be~~
32 ~~exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (c) of this~~
33 ~~Rule).~~

34 ~~(c) The following activities do not require a permit or permit modification under Section .0300 of this Subchapter.~~
35 ~~The Director may require the owner or operator of these activities to register them under 15A NCAC 02D .0200:~~

36 ~~(1) — categories of exempted activities:~~

37 ~~(A) — maintenance, upkeep, and replacement:~~

1 ~~(i) — maintenance, structural changes, or repairs which do not change the capacity of~~
2 ~~such process, fuel burning, refuse burning, or control equipment, and do not~~
3 ~~involve any change in quality or nature or increase in quantity of emission of~~
4 ~~regulated air pollutants;~~

5 ~~(ii) — housekeeping activities or building maintenance procedures, including painting~~
6 ~~buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners,~~
7 ~~sweeping, use and associated storage of janitorial products, or insulation~~
8 ~~removal;~~

9 ~~(iii) — use of office supplies, supplies to maintain copying equipment, or blueprint~~
10 ~~machines;~~

11 ~~(iv) — use of fire fighting equipment;~~

12 ~~(v) — paving parking lots; or~~

13 ~~(vi) — replacement of existing equipment with equipment of the same size, type, and~~
14 ~~function that does not result in an increase to the actual or potential emission of~~
15 ~~regulated air pollutants and that does not affect the compliance status, and with~~
16 ~~replacement equipment that fits the description of the existing equipment in the~~
17 ~~permit, including the application, such that the replacement equipment can be~~
18 ~~operated under that permit without any changes in the permit;~~

19 ~~(B) — air conditioning or ventilation: comfort air conditioning or comfort ventilating systems~~
20 ~~that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;~~

21 ~~(C) — laboratory activities:~~

22 ~~(i) — bench scale, on site equipment used exclusively for chemical or physical~~
23 ~~analysis for quality control purposes, staff instruction, water or wastewater~~
24 ~~analyses, or non production environmental compliance assessments;~~

25 ~~(ii) — bench scale experimentation, chemical or physical analyses, training or~~
26 ~~instruction from not for profit, non production educational laboratories;~~

27 ~~(iii) — bench scale experimentation, chemical or physical analyses, training or~~
28 ~~instruction from hospitals or health laboratories pursuant to the determination or~~
29 ~~diagnoses of illness; or~~

30 ~~(iv) — research and development laboratory activities provided the activity produces no~~
31 ~~commercial product or feedstock material;~~

32 ~~(D) — storage tanks:~~

33 ~~(i) — storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used~~
34 ~~motor oil, lubricants, cooling oils, natural gas or liquefied petroleum gas;~~

35 ~~(ii) — storage tanks used to store gasoline or ethanol based fuels for which there are no~~
36 ~~applicable requirements except Stage I controls under 15A NCAC 02D .0928;~~

37 ~~(iii) — storage tanks used solely to store inorganic liquids; or~~

- 1 ~~(ii) — non self propelled non road engines, except generators, regulated by rules~~
2 ~~adopted under Title II of the Federal Clean Air Act (Generators are required to~~
3 ~~be permitted under Section .0300 of this Subchapter unless they qualify for~~
4 ~~another exemption under this Paragraph.);~~
- 5 ~~(iii) — portable generators regulated by rules adopted under Title II of the Federal~~
6 ~~Clean Air Act;~~
- 7 ~~(iv) — equipment used for the preparation of food for direct on site human~~
8 ~~consumption;~~
- 9 ~~(v) — a source whose emissions are regulated only under Section 112(r) or Title VI of~~
10 ~~the Federal Clean Air Act;~~
- 11 ~~(vi) — exit gases from in line process analyzers;~~
- 12 ~~(vii) — stacks or vents to prevent escape of sewer gases from domestic waste through~~
13 ~~plumbing traps;~~
- 14 ~~(viii) — refrigeration equipment that is consistent with Section 601 through 618 of Title~~
15 ~~VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part~~
16 ~~82, and any other regulations promulgated by EPA under Title VI for~~
17 ~~stratospheric ozone protection, except those units used as or in conjunction with~~
18 ~~air pollution control equipment (A unit used as or in conjunction with air~~
19 ~~pollution control equipment is required to be permitted under Section .0300 of~~
20 ~~this Subchapter unless it qualifies for another exemption under this Paragraph);~~
- 21 ~~(ix) — equipment not vented to the outdoor atmosphere with the exception of~~
22 ~~equipment that emits volatile organic compounds (Equipment that emits volatile~~
23 ~~organic compounds is required to be permitted under Section .0300 of this~~
24 ~~Subchapter unless it qualifies for another exemption under this Paragraph);~~
- 25 ~~(x) — equipment that does not emit any regulated air pollutants;~~
- 26 ~~(xi) — facilities subject only to a requirement under 40 CFR Part 63 (This Subpart does~~
27 ~~not apply when a control device is used to meet a MACT or GACT emission~~
28 ~~standard; a control device used to meet a MACT or GACT emission standard is~~
29 ~~required to be permitted under Section .0300 of this Subchapter unless it~~
30 ~~qualifies for another exemption under this Paragraph);~~
- 31 ~~(xii) — sources for which there are no applicable requirements;~~
- 32 ~~(xiii) — animal operations not required to have control technology under Section .1800~~
33 ~~of the Subchapter 02D (If an animal operation is required to have control~~
34 ~~technology, it shall be required to have a permit under this Subchapter).~~
- 35 ~~(2) — categories of exempted size or production rate:~~
- 36 ~~(A) — storage tanks;~~

1 ~~(i) above ground storage tanks with a storage capacity of no more than 1100~~
 2 ~~gallons storing organic liquids with a true vapor pressure of no more than 10.8~~
 3 ~~pounds per square inch absolute at 70°F; or~~

4 ~~(ii) underground storage tanks with a storage capacity of no more than 2500 gallons~~
 5 ~~storing organic liquids with a true vapor pressure of no more than 10.8 psi~~
 6 ~~absolute at 70°F;~~

7 ~~(B) combustion and heat transfer equipment:~~

8 ~~(i) fuel combustion equipment, except for internal combustion engines, firing~~
 9 ~~exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated~~
 10 ~~fuels, or a mixture of these fuels or one or more of these fuels mixed with~~
 11 ~~natural gas or liquefied petroleum gas with a heat input of less than:~~

12 ~~(I) 10 million Btu per hour for which construction, modification, or~~
 13 ~~reconstruction commenced after June 9, 1989; or~~

14 ~~(II) 30 million Btu per hour for which construction, modification, or~~
 15 ~~reconstruction commenced before June 10, 1989;~~

16 ~~Internal combustion engines are required to be permitted under Section .0300 of this~~
 17 ~~Subchapter unless they qualify for another exemption under this Paragraph;~~

18 ~~(ii) fuel combustion equipment, except for internal combustion engines, firing~~
 19 ~~exclusively natural gas or liquefied petroleum gas or a mixture of these fuels~~
 20 ~~with a heat input rating less than 65 million Btu per hour (Internal combustion~~
 21 ~~engines are required to be permitted under Section .0300 of this Subchapter~~
 22 ~~unless they qualify for another exemption under this Paragraph);~~

23 ~~(iii) space heaters burning waste oil if:~~

24 ~~(I) the heater burns only oil that the owner or operator generates or used~~
 25 ~~oil from do it yourself oil changers who generate used oil as household~~
 26 ~~wastes;~~

27 ~~(II) the heater is designed to have a maximum capacity of not more than~~
 28 ~~500,000 Btu per hour; and~~

29 ~~(III) the combustion gases from the heater are vented to the ambient air;~~

30 ~~(iv) fuel combustion equipment with a heat input rating less than 10 million Btu per~~
 31 ~~hour that is used solely for space heating except:~~

32 ~~(I) space heaters burning waste oil; or~~

33 ~~(II) internal combustion engines;~~

34 ~~(v) emergency use generators and other internal combustion engines not regulated~~
 35 ~~by rules adopted under Title II of the Federal Clean Air Act, except self-~~
 36 ~~propelled vehicles, that have a rated capacity of no more than:~~

- 1 ~~(I) — 680 kilowatts (electric) or 1000 horsepower for natural gas fired~~
2 ~~engines;~~
- 3 ~~(II) — 1800 kilowatts (electric) or 2510 horsepower for liquefied petroleum~~
4 ~~gas fired engines;~~
- 5 ~~(III) — 590 kilowatts (electric) or 900 horsepower for diesel fired or kerosene~~
6 ~~fired engines; or~~
- 7 ~~(IV) — 21 kilowatts (electric) or 31 horsepower for gasoline fired engines;~~
8 ~~(Self propelled vehicles with internal combustion engines are exempted under~~
9 ~~Subpart (1)(c)(L)(i) of this Paragraph.)~~
- 10 ~~(vi) — portable generators and other portable equipment with internal combustion~~
11 ~~engines not regulated by rules adopted under Title II of the Federal Clean Air~~
12 ~~Act, except self propelled vehicles, that operate at the facility no more than a~~
13 ~~combined 350 hours for any 365 day period provided the generators or engines~~
14 ~~have a rated capacity of no more than 750 kilowatt (electric) or 1100~~
15 ~~horsepower each and provided records are maintained to verify the hours of~~
16 ~~operation. Self propelled vehicles with internal combustion engines are~~
17 ~~exempted under Subpart (1)(c)(L)(i) of this Paragraph;~~
- 18 ~~(vii) — peak shaving generators that produce no more than 325,000 kilowatt hours of~~
19 ~~electrical energy for any 12 month period provided records are maintained to~~
20 ~~verify the energy production on a monthly basis and on a 12 month basis;~~
- 21 ~~(C) — gasoline distribution: bulk gasoline plants with an average daily throughput of less than~~
22 ~~4000 gallons;~~
- 23 ~~(D) — processes:~~
- 24 ~~(i) — graphic arts operations, paint spray booths or other painting or coating~~
25 ~~operations without air pollution control devices (water wash and filters that are~~
26 ~~an integral part of the paint spray booth are not considered air pollution control~~
27 ~~devices), and solvent cleaning operations located at a facility whose facility~~
28 ~~wide actual emissions of volatile organic compounds are less than five tons per~~
29 ~~year (Graphic arts operations, coating operations, and solvent cleaning~~
30 ~~operations are defined in Rule 15A NCAC 02Q .0803);~~
- 31 ~~(ii) — sawmills that saw no more than 2,000,000 board feet per year, provided only~~
32 ~~green wood is sawed;~~
- 33 ~~(iii) — perchloroethylene dry cleaners that emit less than 13,000 pounds of~~
34 ~~perchloroethylene per year;~~
- 35 ~~(iv) — electrostatic dry powder coating operations with filters or powder recovery~~
36 ~~systems, including electrostatic dry powder coating operations equipped with~~
37 ~~curing ovens with a heat input of less than 10,000,000 Btu per hour;~~

1 ~~(E) — miscellaneous:~~

2 ~~(i) — any source whose emissions would not violate any applicable emissions~~
3 ~~standard and whose potential emissions of particulate, sulfur dioxide, nitrogen~~
4 ~~oxides, volatile organic compounds, and carbon monoxide before air pollution~~
5 ~~control devices, such as potential uncontrolled emissions, would each be no~~
6 ~~more than five tons per year and whose potential emissions of hazardous air~~
7 ~~pollutants would be below their lesser quantity cutoff except:~~

8 ~~(I) — storage tanks;~~

9 ~~(II) — fuel combustion equipment;~~

10 ~~(III) — space heaters burning waste oil;~~

11 ~~(IV) — generators, excluding emergency generators, or other non self-~~
12 ~~propelled internal combustion engines;~~

13 ~~(V) — bulk gasoline plants;~~

14 ~~(VI) — printing, paint spray booths, or other painting or coating operations;~~

15 ~~(VII) — sawmills;~~

16 ~~(VIII) — perchloroethylene dry cleaners; or~~

17 ~~(IX) — electrostatic dry powder coating operations, provided that the total~~
18 ~~potential emissions of particulate, sulfur dioxide, nitrogen oxides,~~
19 ~~volatile organic compounds, and carbon monoxide from the facility are~~
20 ~~each less than 40 tons per year and the total potential emissions of all~~
21 ~~hazardous air pollutants are below their lesser quantity cutoff emission~~
22 ~~rates or provided that the facility has an air quality permit. A source~~
23 ~~identified in Sub subpart (I) through (IX) of this Part is required to be~~
24 ~~permitted under 15A NCAC 02Q .0300 unless it qualifies for another~~
25 ~~exemption under this Paragraph;~~

26 ~~(ii) — any facility whose actual emissions of particulate, sulfur dioxide, nitrogen~~
27 ~~oxides, volatile organic compounds, and carbon monoxide before air pollution~~
28 ~~control devices, such as uncontrolled emissions, would each be less than five~~
29 ~~tons per year, whose potential emissions of all hazardous air pollutants would be~~
30 ~~below their lesser quantity cutoff emission rate, and none of whose sources~~
31 ~~would violate an applicable emissions standard;~~

32 ~~(iii) — any source that only emits hazardous air pollutants that are not also a particulate~~
33 ~~or a volatile organic compound and whose potential emissions of hazardous air~~
34 ~~pollutants are below their lesser quantity cutoff emission rates; or~~

35 ~~(iv) — any incinerator covered under Subparagraph (c)(4) of Rule 15A NCAC 02D~~
36 ~~.1201;~~

1 ~~(F) case by case exemption: activities that the applicant demonstrates to the satisfaction of~~
2 ~~the Director:~~

3 ~~(i) to be negligible in their air quality impacts;~~

4 ~~(ii) not to have any air pollution control device; and~~

5 ~~(iii) not to violate any applicable emission control standard when operating at~~
6 ~~maximum design capacity or maximum operating rate, whichever is greater.~~

7 ~~(d) An activity that is exempt from the permit or permit modification process is not exempted from other applicable~~
8 ~~requirements. The owner or operator of the source is not exempt from demonstrating compliance with any~~
9 ~~applicable requirement.~~

10 ~~(e) Emissions from stationary source activities identified in Paragraph (c) of this Rule shall be included in~~
11 ~~determining compliance with the toxic air pollutant requirements under 15A NCAC 02D .1100 or 02Q .0700~~
12 ~~according to Rule 15A NCAC 02Q .0702 (exemptions from air toxic permitting).~~

13 ~~(f) The owner or operator of a facility or source claiming an exemption under Paragraph (c) of this Rule shall~~
14 ~~provide the Director documentation upon request that the facility or source is qualified for that exemption.~~

15 ~~(g) If the Director finds that an activity exempted under Paragraph (c) of this Rule is in violation of or has violated a~~
16 ~~rule in 15A NCAC 02D, he shall revoke the permit exemption for that activity and require that activity to be~~
17 ~~permitted under this Subchapter if necessary to obtain or maintain compliance.~~

18 ~~(a) For the purposes of this rule, the definitions listed in 15A NCAC 02D .0101 and 02Q .0103 shall apply.~~

19 ~~(b) This Rule does not apply to:~~

20 ~~(1) facilities whose potential emissions require a permit under 15A NCAC 02Q .0500 (Title V~~
21 ~~Procedures); or~~

22 ~~(2) a source emitting a pollutant that is part of the facility's 15A NCAC 02D .1100 (Control of Toxic~~
23 ~~Air Pollutants) modeling demonstration if that source is not exempted under 15A NCAC 02Q~~
24 ~~.0702.~~

25 ~~(c) The owner or operator of an activity exempt from permitting shall not be exempt from demonstrating~~
26 ~~compliance with any state or federal requirement.~~

27 ~~(d) Any facility whose actual emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile~~
28 ~~organic compounds, carbon monoxide, hazardous air pollutants and toxic air pollutants are each less than five tons~~
29 ~~per year and whose actual total aggregate emissions are less than 10 tons per year shall not require a permit under~~
30 ~~Section 15A NCAC 02Q .0300. This Paragraph shall not apply to synthetic minor facilities that are subject to Rule~~
31 ~~.0315 of this Subchapter.~~

32 ~~(e) Any facility that is not exempted from permitting under Paragraph (d) and whose actual total aggregate~~
33 ~~emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon~~
34 ~~monoxide, hazardous air pollutants and toxic air pollutants are greater than or equal to five tons per year and less~~
35 ~~than 25 tons per year may register their facility under Rule 15A NCAC 02D .0202 instead of obtaining a permit~~
36 ~~under Section 02Q .0300. This Paragraph shall not apply to any facility as follows:~~

37 ~~(1) synthetic minor facilities that are subject to Rule .0315 of this Subchapter;~~

1 (2) facilities with a source subject to MACT;

2 (3) facilities with sources of volatile organic compounds or nitrogen oxides that are located in a
3 nonattainment area; or

4 (4) facilities with a source subject to NSPS unless the source is exempted under Paragraph (g) or (h)
5 of this Rule.

6 (f) The Director may require the owner or operator of these activities to register them under Section 15A NCAC
7 02D .0200 or obtain a permit under Section 15A NCAC 02Q .0300 if necessary to obtain or maintain compliance.

8 (g) The following activities do not require a permit or permit modification under Section 15A NCAC 02Q .0300.

9 These activities are not included in determining applicability of any rule or standard which requires facility-wide
10 aggregation of source emissions, including Title V, Prevention of Significant Deterioration/New Source Review
11 (15A NCAC 02D .0530/.0531), and NC Air Toxics unless specifically noted below:

12 (1) maintenance, upkeep, and replacement:

13 (A) maintenance, structural changes, or repair activities which do not increase the capacity of
14 such process and do not involve any change in quality or nature or increase in quantity of
15 emission of any regulated air pollutant;

16 (B) housekeeping activities or building maintenance procedures, including painting buildings,
17 paving parking lots, resurfacing floors, roof repair, washing, portable vacuum cleaners,
18 sweeping, use and associated storage of janitorial products, or insulation removal;

19 (C) use of office supplies, supplies to maintain copying equipment, or blueprint machines;

20 (D) use of firefighting equipment (excluding engines subject to 40 CFR 63, Subpart ZZZZ);

21 or

22 (E) replacement of existing equipment with equipment of the same size (or smaller), type,
23 and function that does not result in an increase to the actual or potential emission of
24 regulated air pollutants and that does not affect the compliance status, and with
25 replacement equipment that fits the description of the existing equipment in the permit,
26 including the application, such that the replacement equipment can be operated under that
27 permit without any changes in the permit;

28 (2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not
29 transport, remove, or exhaust regulated air pollutants to the atmosphere;

30 (3) laboratory/classroom activities:

31 (A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis
32 for quality control purposes or for diagnosis of illness, training or instructional purposes;

33 (B) research and development activities that produce no commercial product or feedstock
34 material; or

35 (C) educational activities, including but not limited to wood working, welding, and
36 automotive;

- 1 (4) storage tanks with no applicable requirements other than Stage I controls under 15A NCAC 02D
2 .0928, Gasoline Service Stations Stage I;
- 3 (5) combustion and heat transfer equipment:
- 4 (A) heating units used for human comfort, excluding space heaters burning used oil, that have
5 a heat input of less than 10 million Btu per hour and that do not provide heat for any
6 manufacturing or other industrial process;
- 7 (B) residential wood stoves, heaters, or fireplaces; or
- 8 (C) water heaters which are used for domestic purposes only and are not used to heat process
9 water;
- 10 (6) wastewater treatment processes: industrial wastewater treatment processes or municipal
11 wastewater treatment processes for which there are no state or federal air requirements;
- 12 (7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene,
13 lubricants or cooling oils;
- 14 (8) electric motor burn-out ovens with secondary combustion chambers or afterburners;
- 15 (9) electric motor bake-on ovens;
- 16 (10) burn-off ovens with afterburners for paint-line hangers;
- 17 (11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens,
18 and hosiery dyeing processes where bleach or solvent dyes are not used;
- 19 (12) woodworking operations processing only green wood;
- 20 (13) solid waste landfills: This does not apply to flares and other sources of combustion at solid waste
21 landfills; these flares and other combustion sources are required to be permitted under 15A NCAC
22 02Q .0300 unless they qualify for another exemption under this Paragraph; or
- 23 (14) miscellaneous:
- 24 (A) equipment that does not emit any regulated air pollutants;
- 25 (B) sources for which there are no applicable requirements;
- 26 (C) motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled
27 vehicles with internal combustion engines;
- 28 (D) engines subject to Title II of the Federal Clean Air Act (Emission Standards for Moving
29 Sources);
- 30 (E) equipment used for the preparation of food for direct on-site human consumption;
- 31 (F) a source whose emissions are regulated only under Section 112(r) or Title VI of the
32 Federal Clean Air Act;
- 33 (G) exit gases from in-line process analyzers;
- 34 (H) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing
35 traps;
- 36 (I) refrigeration equipment that is consistent with Section 601 through 618 of Title VI
37 (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40 CFR Part 82, and any

1 other regulations promulgated by EPA under Title VI for stratospheric ozone protection,
2 except those units used as or in conjunction with air pollution control equipment (A unit
3 used as or in conjunction with air pollution control equipment is required to be permitted
4 under 15A NCAC 02Q .0300 unless it qualifies for another exemption under this
5 Paragraph);

6 (J) equipment not vented to the outdoor atmosphere with the exception of equipment that
7 emits volatile organic compounds (Equipment that emits volatile organic compounds is
8 required to be permitted under 15A NCAC 02Q .0300 unless it qualifies for another
9 exemption under this Paragraph);

10 (K) animal operations not required to have control technology under 15A NCAC 02D .1800
11 (If an animal operation is required to have control technology, it shall be required to have
12 a permit under this Subchapter);

13 (L) any incinerator covered under 15A NCAC 02D .1201(c)(4); or

14 (M) dry cleaning operations regardless of NSPS or NESHAP applicability.

15 (h) The following activities do not require a permit or permit modification under 15A NCAC 02Q .0300. These
16 activities are included in determining applicability of any rule or standard which requires facility-wide aggregation
17 of source emissions, including Title V, Prevention of Significant Deterioration/New Source Review (15A NCAC
18 02D .0530/.0531), and NC Air Toxics:

19 (1) combustion and heat transfer equipment (includes direct-fired units that only emit regulated
20 pollutants from fuel combustion):

21 (A) fuel combustion equipment (excluding internal combustion engines) not subject to 40
22 CFR Part 60, NSPS, firing exclusively unadulterated liquid fossil fuel and/or wood or
23 approved equivalent unadulterated fuel as defined in 15A NCAC 02Q .0103;

24 (B) fuel combustion equipment (excluding internal combustion engines) firing exclusively
25 natural gas or liquefied petroleum gas or a mixture of these fuels; or

26 (C) space heaters burning waste oil if:

27 (i) the heater burns only oil that the owner or operator generates or used oil from
28 do-it-yourself oil changers who generate used oil as household wastes; and

29 (ii) the heater is designed to have a maximum capacity of not more than 500,000
30 Btu per hour;

31 (2) gasoline distribution: bulk gasoline plants as defined in 15A NCAC 02D .0926(a)(3), with an
32 average daily throughput of less than 4,000 gallons;

33 (3) paint spray booths or graphic arts operations, coating operations, and solvent cleaning operations
34 as defined in 15A NCAC 02Q .0803 located at a facility whose facility-wide actual uncontrolled
35 emissions of volatile organic compounds are less than five tons per year, except that such emission
36 sources whose actual uncontrolled emissions of volatile organic compounds are less than 100
37 pounds per year shall qualify for this exemption regardless of the facility-wide emissions (for the

purpose of this exemption water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices);

(4) electrostatic dry powder coating operations with filters or powder recovery systems;

(5) miscellaneous: any source whose potential uncontrolled emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide would each be no more than five tons per year; or

(6) case-by-case exemption: activities that the applicant demonstrates to the Director to be negligible in their air quality impacts.

(i) The owner or operator of a facility or source claiming an activity is exempt under Paragraphs (f) or (g) of this Rule shall provide the Director documentation upon request that the facility or source is qualified for that exemption.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108; Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Eff. July 1, 1994; Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996; Temporary Amendment Eff. December 1, 1999; Amended Eff. _____; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002; July 1, 2000.

15A NCAC 02Q .0302 is proposed for amendment as follows:

15A NCAC 02Q .0302 FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION

(a) This Rule applies only to this Section. It does not apply to Section .0500 (Title V Procedures) of this Subchapter.

(b) If a facility is subject to any of the following rules, the facility is not exempted from permit requirements, and the exemptions in Paragraph (c) of this Rule do not apply:

- (1) new source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except new residential wood heaters;
- (2) national emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;
- (3) prevention of significant deterioration under 15A NCAC 2D .0530;
- (4) new source review under 15A NCAC 2D .0531 or .0532;
- (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg and Gaston Counties;

- 1 (6) sources required to apply maximum achievable control technology for hazardous air pollutants
- 2 under 15A NCAC 2D. 1109, .1112 or under 40 CFR ~~Part 63 or to apply generally available~~
- 3 ~~control technology (GACT) or work practice standards under 40 CFR Part 63;~~
- 4 (7) sources at facilities subject to 15A NCAC 2D .1100; or
- 5 (8) facilities subject to Title V permitting procedures under Section .0500 of this Subchapter.

6 (c) The owner or operator of any facility required to have a permit under this Section may request the Director to
 7 exempt the facility from the requirement to have a permit. The request shall be in writing. Along with the request,
 8 the owner or operator shall submit supporting documentation to show that air quality and emission control standards
 9 will not be, nor are likely to be, contravened. This documentation shall include:

- 10 (1) documentation that the facility has no air pollution control devices;
- 11 (2) documentation that no source at the facility will violate any applicable emissions control standard
- 12 when operating at maximum design or operating rate, whichever is greater; and
- 13 (3) ambient modeling showing that the ambient impact of emissions from the facility will not exceed
- 14 the levels in 15A NCAC 2D .0532(c)(5) when all sources at the facility are operated at maximum
- 15 design or operating rate, whichever is greater.

16 If the documentation shows to ~~the satisfaction of~~ the Director that air quality and emission control standards will not
 17 be, nor are likely to be, contravened, a permit shall not be required.

18
 19 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent
 20 rule becomes effective, whichever is sooner;
 21 Authority G.S. 143-215.3(a)(1); 143-215.108;
 22 Eff. July 1, 1994;
 23 Amended Eff. _____; July 1, 1998; July 1, 1996.

24
 25 15A NCAC 02Q .0318 is proposed for adoption as follows:

26
 27 **15A NCAC 02Q .0318 CHANGES NOT REQUIRING PERMIT REVISIONS**

28 (a) This rule applies to sources that are not exempt under Rule .0102 of this Subchapter. This rule applies to
 29 facilities that currently have an air quality permit.

30 (b) An owner or operator of a facility may make changes without first modifying their air permit if:

- 31 (1) The change does not violate any existing requirements or new applicable requirements;
- 32 (2) The change does not cause emissions allowed under the current permit to be exceeded;
- 33 (3) The change does not require a modification of a permit term or condition under Rule .0315 or
 34 avoidance condition under Rule .0317 of this Section;
- 35 (4) The change does not require a permit under Section 15A NCAC 02Q .0700, Toxic Air Pollutant
 36 Procedures;
- 37 (5) The change does not require a P.E. Seal under Rule 15A NCAC 02Q .0112; and

(6) The owner or operator shall notify the Director with written notification at least seven days before the change is made. Within seven days of receipt of the notice, the Division of Air Quality shall notify the owner or operator of its determination.

(c) The written notification required under Subparagraph (b)(6) of this Rule shall include:

- (1) a description of the change;
- (2) a date on which the change will occur;
- (3) any change in emissions, and;
- (4) any permit terms or conditions of the current permit that may be affected by this change.

(d) A copy of the notification required under Subparagraph (b)(6) shall be attached to the current permit until the permit is revised at the next modification, name change, ownership change, or renewal.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;

Eff. _____ .

15A NCAC 02Q .0903 is proposed for amendment as follows:

15A NCAC 02Q .0903 EMERGENCY GENERATORS AND STATIONARY RECIPROCATING INTERNAL COMBUSTION ENGINES

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

- (1) ~~“emergency~~ “Emergency generator” means a an emergency stationary reciprocating internal combustion engine used to generate electricity only during the loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during maintenance, as defined in 40 CFR 63.6675. An emergency generator may be operated periodically to ensure that it will operate.
- (2) “Stationary reciprocating internal combustion engine” means a stationary reciprocating internal combustion engine as defined in 40 CFR 63.6675.

(b) This Rule applies to emergency generators and stationary reciprocating internal combustion engines at a facility whose only sources that would require a permit are emergency generators and stationary reciprocating internal combustion engines whose ~~emergency generators consume less than:~~

- (1) ~~322,000 gallons per calendar year of diesel fuel,~~
- (2) ~~48,000,000 cubic feet per calendar year of natural gas,~~
- (3) ~~1,200,000 gallons per calendar year of liquified petroleum gas,~~
- (4) ~~25,000 gallons per calendar year of gasoline for gasoline powered generators, or~~
- (5) ~~any combination of the fuels listed in this Paragraph provided the facility-wide actual emissions of each regulated air pollutant does not exceed are less than 100 tons per calendar year. year of any regulated pollutant, 10 tons per calendar year of any hazardous air pollutant or 25 tons per calendar year of any combination of hazardous air pollutants.~~

1 (c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines
2 covered under this Rule shall comply with Rules .0516 (sulfur dioxide emissions from combustion sources), .0521
3 (control of visible emissions), and .0524 (new source performance standard): standard), and .1111 (maximum
4 achievable control technology) of Subchapter 02D.

5 (d) The owner or operator of ~~an~~ emergency ~~generator~~ generators and stationary reciprocating internal combustion
6 engines covered under this Rule shall ~~maintain records of the amount of fuel burned in the generator for each~~
7 ~~calendar year so that the Division can determine upon review of these records~~ provide the Director documentation
8 upon request that the emergency ~~generator~~ generators and stationary reciprocating internal combustion engines
9 ~~qualifies to be covered under this Rule.~~ meet the applicability requirements in Paragraph (b) of this Rule.

10

11

12 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

13 *Eff. June 1, 2008-2008;*

14 *Amended Eff. _____.*

15