

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
5 Subchapter. This 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
7 requirements, and the exemptions in Paragraph (c) of this Rule do not apply:

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

11 (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam
12 generating units;

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

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

15 (D) 40 CFR Part 60, Subpart JJJ, petroleum dry cleaners; ~~or~~

16 (E) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills;

17 (F) 40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion
18 engines; or

19 (G) 40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion
20 engines;

21 (2) national emission standards for hazardous air pollutants under 15A NCAC 02D .1110 or
22 40 CFR Part 61, except asbestos demolition and renovation activities, which are eligible
23 for exemption under Paragraph (c) of this Rule;

24 (3) prevention of significant deterioration under 15A NCAC 02D .0530;

25 (4) new source review under 15A NCAC 02D .0531 or .0532;

26 (5) sources of volatile organic compounds subject to the requirements of 15A NCAC 02D
27 .0900 that are located in Mecklenburg County according to 15A NCAC 02D .0902~~(e)~~(d);

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

31 (7) sources at facilities subject to 15A NCAC 02D .1100. (If a source does not emit a toxic
32 air pollutant for which the facility at which it is located has been modeled, it shall be
33 exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (c)
34 of this Rule).

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

- 1 (1) activities exempted because of category:
- 2 (A) maintenance, upkeep, and replacement:
- 3 (i) maintenance, structural changes, or repairs which do not change the
- 4 capacity of such process, fuel-burning, refuse-burning, or control
- 5 equipment, and do not involve any change in quality or nature or
- 6 increase in quantity of emission of regulated air pollutants;
- 7 (ii) housekeeping activities or building maintenance procedures, including
- 8 painting buildings, resurfacing floors, roof repair, washing, portable
- 9 vacuum cleaners, sweeping, use and associated storage of janitorial
- 10 products, or insulation removal;
- 11 (iii) use of office supplies, supplies to maintain copying equipment, or
- 12 blueprint machines;
- 13 (iv) use of fire fighting equipment;
- 14 (v) paving parking lots; or
- 15 (vi) replacement of existing equipment with equipment of the same size,
- 16 type, and function that does not result in an increase to the actual or
- 17 potential emission of regulated air pollutants and that does not affect the
- 18 compliance status, and with replacement equipment that fits the
- 19 description of the existing equipment in the permit, including the
- 20 application, such that the replacement equipment can be operated under
- 21 that permit without any changes in the permit;
- 22 (B) air conditioning or ventilation: comfort air conditioning or comfort ventilating
- 23 systems that do not transport, remove, or exhaust regulated air pollutants to the
- 24 atmosphere;
- 25 (C) laboratory activities:
- 26 (i) bench-scale, on-site equipment used exclusively for chemical or physical
- 27 analysis for quality control purposes, staff instruction, water or
- 28 wastewater analyses, or non-production environmental compliance
- 29 assessments;
- 30 (ii) bench-scale experimentation, chemical or physical analyses, training or
- 31 instruction from not-for-profit, non-production educational laboratories;
- 32 (iii) bench-scale experimentation, chemical or physical analyses, training or
- 33 instruction from hospitals or health laboratories pursuant to the
- 34 determination or diagnoses of illness; or
- 35 (iv) research and development laboratory activities provided the activity
- 36 produces no commercial product or feedstock material;
- 37 (D) storage tanks:

- 1 (i) storage tanks used solely to store fuel oils, kerosene, diesel, crude oil,
2 used motor oil, lubricants, cooling oils, natural gas or liquefied petroleum
3 gas;
- 4 (ii) storage tanks used to store gasoline or ethanol-based fuels for which
5 there are no applicable requirements except Stage I controls under 15A
6 NCAC 02D .0928;
- 7 (iii) storage tanks used solely to store inorganic liquids; or
- 8 (iv) storage tanks or vessels used for the temporary containment of materials
9 resulting from an emergency response to an unanticipated release of
10 hazardous materials;
- 11 (E) combustion and heat transfer equipment:
- 12 (i) space heaters burning distillate oil, kerosene, natural gas, or liquefied
13 petroleum gas operating by direct heat transfer and used solely for
14 comfort heat;
- 15 (ii) residential wood stoves, heaters, or fireplaces;
- 16 (iii) hot water heaters which are used for domestic purposes only and are not
17 used to heat process water;
- 18 (F) wastewater treatment processes: industrial wastewater treatment processes or
19 municipal wastewater treatment processes for which there are no applicable
20 requirements;
- 21 (G) gasoline distribution: gasoline service stations or gasoline dispensing facilities;
- 22 (H) dispensing equipment: equipment used solely to dispense diesel fuel, kerosene,
23 lubricants or cooling oils;
- 24 (I) solvent recycling: portable solvent distillation systems used for on-site solvent
25 recycling if:
- 26 (i) The portable solvent distillation system is not:
- 27 (I) owned by the facility, and
28 (II) operated at the facility for more than seven consecutive days;
29 and
- 30 (ii) The material recycled is recycled at the site of origin;
- 31 (J) processes:
- 32 (i) electric motor burn-out ovens with secondary combustion chambers or
33 afterburners;
- 34 (ii) electric motor bake-on ovens;
- 35 (iii) burn-off ovens for paint-line hangers with afterburners;

- 1 (iv) hosiery knitting machines and associated lint screens, hosiery dryers and
2 associated lint screens, and hosiery dyeing processes where bleach or
3 solvent dyes are not used;
- 4 (v) blade wood planers planing only green wood;
- 5 (K) solid waste landfills: municipal solid waste landfills (This Part does not apply to
6 flares and other sources of combustion at solid waste landfills; these flares and
7 other combustion sources are required to be permitted under 15A NCAC 02Q
8 .0300 unless they qualify for another exemption under this Paragraph.);
- 9 (L) miscellaneous:
- 10 (i) motor vehicles, aircraft, marine vessels, locomotives, tractors or other
11 self-propelled vehicles with internal combustion engines;
- 12 (ii) non-self-propelled non-road engines, except generators, regulated by
13 rules adopted under Title II of the Federal Clean Air Act (Generators are
14 required to be permitted under 15A NCAC 02Q .0300 unless they qualify
15 for another exemption under this Paragraph.);
- 16 (iii) portable generators regulated by rules adopted under Title II of the
17 Federal Clean Air Act;
- 18 (iv) equipment used for the preparation of food for direct on-site human
19 consumption;
- 20 (v) a source whose emissions are regulated only under Section 112(r) or
21 Title VI of the Federal Clean Air Act;
- 22 (vi) exit gases from in-line process analyzers;
- 23 (vii) stacks or vents to prevent escape of sewer gases from domestic waste
24 through plumbing traps;
- 25 (viii) refrigeration equipment that is consistent with Section 601 through 618 of
26 Title VI (Stratospheric Ozone Protection) of the Federal Clean Air Act, 40
27 CFR Part 82, and any other regulations promulgated by EPA under Title
28 VI for stratospheric ozone protection, except those units used as or in
29 conjunction with air pollution control equipment (A unit used as or in
30 conjunction with air pollution control equipment is required to be
31 permitted under 15A NCAC 02Q .0300 unless it qualifies for another
32 exemption under this Paragraph);
- 33 (ix) equipment not vented to the outdoor atmosphere with the exception of
34 equipment that emits volatile organic compounds (Equipment that emits
35 volatile organic compounds is required to be permitted under 15A NCAC
36 02Q .0300 unless it qualifies for another exemption under this
37 Paragraph);

- 1 (x) equipment that does not emit any regulated air pollutants;
- 2 (xi) facilities subject only to a requirement under 40 CFR Part 63 (This
- 3 Subpart does not apply when a control device is used to meet a MACT
- 4 or GACT emission standard; a control device used to meet a MACT or
- 5 GACT emission standard is required to be permitted under 15A NCAC
- 6 02Q .0300 unless it qualifies for another exemption under this
- 7 Paragraph);
- 8 (xii) sources for which there are no applicable requirements;
- 9 (xiii) animal operations not required to have control technology under 15A
- 10 NCAC 02D .1800 (If an animal operation is required to have control
- 11 technology, it shall be required to have a permit under this Subchapter).
- 12 (2) activities exempted because of size or production rate:
- 13 (A) storage tanks:
- 14 (i) above-ground storage tanks with a storage capacity of no more than
- 15 1100 gallons storing organic liquids with a true vapor pressure of no
- 16 more than 10.8 pounds per square inch absolute at 70° F; or
- 17 (ii) underground storage tanks with a storage capacity of no more than 2500
- 18 gallons storing organic liquids with a true vapor pressure of no more than
- 19 10.8 psi absolute at 70° F;
- 20 (B) combustion and heat transfer equipment:
- 21 (i) fuel combustion equipment, except for internal combustion engines, firing
- 22 exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent
- 23 unadulterated fuels, or a mixture of these fuels or one or more of these
- 24 fuels mixed with natural gas or liquefied petroleum gas with a heat input
- 25 of less than:
- 26 (I) 10 million Btu per hour for which construction, modification, or
- 27 reconstruction commenced after June 9, 1989; or
- 28 (II) 30 million Btu per hour for which construction, modification, or
- 29 reconstruction commenced before June 10, 1989;
- 30 (Internal combustion engines are required to be permitted under 15A NCAC 02Q
- 31 .0300 unless they qualify for another exemption under this Paragraph);
- 32 (ii) fuel combustion equipment, except for internal combustion engines, firing
- 33 exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with
- 34 a heat input rating less than 65 million Btu per hour (Internal combustion engines
- 35 are required to be permitted under 15A NCAC 02Q .0300 unless they qualify for
- 36 another exemption under this Paragraph);
- 37 (iii) space heaters burning waste oil if:

- 1 (I) The heater burns only oil that the owner or operator generates or
2 used oil from do-it-yourself oil changers who generate used oil
3 as household wastes;
- 4 (II) The heater is designed to have a maximum capacity of not more
5 than 500,000 Btu per hour; and
- 6 (III) The combustion gases from the heater are vented to the ambient
7 air;
- 8 (iv) fuel combustion equipment with a heat input rating less than 10 million
9 Btu per hour that is used solely for space heating except:
- 10 (I) space heaters burning waste oil, or
11 (II) internal combustion engines;
- 12 (v) emergency use generators and other internal combustion engines not
13 regulated by rules adopted under Title II of the Federal Clean Air Act,
14 except self-propelled vehicles, that have a rated capacity of no more
15 than:
- 16 (I) 680 kilowatts (electric) or 1000 horsepower for natural gas-fired
17 engines;
18 (II) 1800 kilowatts (electric) or 2510 horsepower for liquefied
19 petroleum gas-fired engines;
20 (III) 590 kilowatts (electric) or 900 horsepower for diesel-fired or
21 kerosene-fired engines; or
22 (IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired
23 engines;
- 24 (Self-propelled vehicles with internal combustion engines are exempted
25 under Subpart (1)(c)(L)(i) of this Paragraph.)
- 26 (vi) portable generators and other portable equipment with internal
27 combustion engines not regulated by rules adopted under Title II of the
28 Federal Clean Air Act, except self-propelled vehicles, that operate at the
29 facility no more than a combined 350 hours for any 365-day period
30 provided the generators or engines have a rated capacity of no more
31 than 750 kilowatt (electric) or 1100 horsepower each and provided
32 records are maintained to verify the hours of operation (Self-propelled
33 vehicles with internal combustion engines are exempted under Subpart
34 (1)(c)(L)(i) of this Paragraph.);
- 35 (vii) peak shaving generators that produce no more than 325,000 kilowatt-
36 hours of electrical energy for any 12-month period provided records are

- 1 maintained to verify the energy production on a monthly basis and on a
2 12-month basis;
- 3 (C) gasoline distribution: bulk gasoline plants with an average daily throughput of
4 less than 4000 gallons;
- 5 (D) processes:
- 6 (i) graphic arts operations, paint spray booths or other painting or coating
7 operations without air pollution control devices (water wash and filters
8 that are an integral part of the paint spray booth are not considered air
9 pollution control devices), and solvent cleaning operations located at a
10 facility whose facility-wide actual emissions of volatile organic
11 compounds are less than five tons per year (Graphic arts operations,
12 coating operations, and solvent cleaning operations are defined in 15A
13 NCAC 02Q .0803);
- 14 (ii) sawmills that saw no more than 2,000,000 board feet per year provided
15 only green wood is sawed;
- 16 (iii) perchloroethylene dry cleaners that emit less than 13,000 pounds of
17 perchloroethylene per year;
- 18 (iv) electrostatic dry powder coating operations with filters or powder
19 recovery systems including electrostatic dry powder coating operations
20 equipped with curing ovens with a heat input of less than 10,000,000 Btu
21 per hour;
- 22 (E) miscellaneous:
- 23 (i) any source whose emissions would not violate any applicable emissions
24 standard and whose potential emissions of particulate, sulfur dioxide,
25 nitrogen oxides, volatile organic compounds, and carbon monoxide
26 before air pollution control devices, i.e., potential uncontrolled emissions,
27 are each no more than five tons per year and whose potential emissions
28 of hazardous air pollutants are below their lesser quantity cutoff except:
- 29 (I) storage tanks,
30 (II) fuel combustion equipment,
31 (III) space heaters burning waste oil,
32 (IV) generators, excluding emergency generators, or other non-self-
33 propelled internal combustion engines,
34 (V) bulk gasoline plants,
35 (VI) printing, paint spray booths, or other painting or coating
36 operations,
37 (VII) sawmills,

- 1 (VIII) perchloroethylene dry cleaners, or
2 (IX) electrostatic dry powder coating operations, provided that the
3 total potential emissions of particulate, sulfur dioxide, nitrogen
4 oxides, volatile organic compounds, and carbon monoxide from
5 the facility are each less than 40 tons per year and the total
6 potential emissions of all hazardous air pollutants are below their
7 lesser quantity cutoff emission rates or provided that the facility
8 has an air quality permit. (A source identified in Sub-subpart (I)
9 through (IX) of this Part is required to be permitted under 15A
10 NCAC 02Q .0300 unless it qualifies for another exemption under
11 this Paragraph);
- 12 (ii) any facility whose actual emissions of particulate, sulfur dioxide, nitrogen
13 oxides, volatile organic compounds, and carbon monoxide before air
14 pollution control devices, i.e., uncontrolled emissions, are each less than
15 five tons per year, whose potential emissions of all hazardous air
16 pollutants are below their lesser quantity cutoff emission rate, and none
17 of whose sources would violate an applicable emissions standard;
- 18 (iii) any source that only emits hazardous air pollutants that are not also a
19 particulate or a volatile organic compound and whose potential
20 emissions of hazardous air pollutants are below their lesser quantity
21 cutoff emission rates; or
- 22 (iv) any incinerator covered under Subparagraph (c)(4) of 15A NCAC 02D
23 .1201;
- 24 (F) case-by-case exemption: activities that the applicant demonstrates to the
25 satisfaction of the Director:
- 26 (i) to be negligible in their air quality impacts;
27 (ii) not to have any air pollution control device; and
28 (iii) not to violate any applicable emission control standard when operating at
29 maximum design capacity or maximum operating rate, whichever is
30 greater.
- 31 (d) Because an activity is exempted from being required to have a permit does not mean that the activity
32 is exempted from any applicable requirement or that the owner or operator of the source is exempted
33 from demonstrating compliance with any applicable requirement.
- 34 (e) Emissions from stationary source activities identified in Paragraph (c) of this Rule shall be included in
35 determining compliance with the toxic air pollutant requirements under 15A NCAC 02D .1100 or 02Q
36 .0700 according to 15A NCAC 02Q .0702 (exemptions from air toxic permitting).

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

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

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8 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;*
9 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent*
10 *rule becomes effective, whichever is sooner;*
11 *Eff. July 1, 1994;*
12 *Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;*
13 *Temporary Amendment Eff. December 1, 1999;*
14 *Amended Eff. November 1, 2008; July 1, 2007; June 29, 2006; July 18, 2002;*
15 *July 1, 2000.*