1	15A NCAC 02Q .0102 is proposed for amendment as follows:					
2	154 NGA G 020	0103 A CONTROLE EVENDUED EDOM BEDMIT DECLUDEMENTS				
3	15A NCAC 02Q.	-				
4		es not apply to facilities required to have a permit under Section .0500 of this Subchapter. This				
5		to permits issued under Section .0300 of this Subchapter.				
6		subject to any of the following rules, then the source is not exempted from permit requirements,				
7	-	s in Paragraph (c) of this Rule do not apply:				
8		new source performance standards under 15A NCAC 02D .0524 or 40 CFR Part 60, except when				
9		the following activities are eligible for exemption under Paragraph (c) of this Rule:				
10 11	•	(A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units;				
12	(	(B) 40 CFR Part 60, Subparts K, Ka, or Kb, volatile organic liquid storage vessels;				
13	(	(C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;				
14		(D) 40 CFR Part 60, Subpart JJJ, petroleum dry cleaners;				
15	(	(E) 40 CFR Part 60, Subpart WWW, municipal solid waste landfills;				
16	(	(F) 40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion				
17		engines; or				
18	(	(G) 40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion engines;				
19	(2)	national emission standards for hazardous air pollutants under 15A NCAC 02D .1110 or 40 CFR				
20	]	Part 61, except asbestos demolition and renovation activities, which are eligible for exemption				
21	1	under Paragraph (c) of this Rule;				
22	(3)	prevention of significant deterioration under 15A NCAC 02D .0530;				
23	(4)	new source review under 15A NCAC 02D .0531 or .0532;				
24	(5)	sources of volatile organic compounds subject to the requirements of 15A NCAC 02D .0900 that				
25	:	are located in Mecklenburg County according to 15A NCAC 02D .0902 (d);				
26	(6)	sources required to apply maximum achievable control technology (MACT) for hazardous air				
27	1	pollutants under 15A NCAC 02D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have				
28	:	a permit under Section .0500 of this Subchapter;				
29	(7)	sources at facilities subject to 15A NCAC 02D .1100. (If a source qualifies for an exemption in				
30	<u> </u>	Subparagraphs (a)(1) through (a)(24) of Rule 15A NCAC 02Q .0702, or does not emit a toxic air				
31	1	pollutant for which the facility at which it is located has been modeled, it shall be exempted from				
32	1	needing a permit if it qualifies for one of the exemptions in Paragraph (c) of this Rule).				
33	(c) The following	g activities do not need a permit or permit modification under Section .0300 of this Subchapter;				
34	however, the Dire	ctor may require the owner or operator of these activities to register them under 15A NCAC 02D				
35	.0200:					
36	(1)	activities exempted because of category:				
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 coi	nditioning or ventilation: comfort air conditioning or comfort ventilating systems
20		that do	o not transport, remove, or exhaust regulated air pollutants to the atmosphere;
21	(C)	labora	tory 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	e 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		(iv)	storage tanks or vessels used for the temporary containment of materials
2			resulting from an emergency response to an unanticipated release of hazardous
3			materials;
4	(E)	combi	astion and heat transfer equipment:
5		(i)	space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum
6			gas operating by direct heat transfer and used solely for comfort heat;
7		(ii)	residential wood stoves, heaters, or fireplaces;
8		(iii)	hot water heaters which are used for domestic purposes only and are not used to
9			heat process water;
10	(F)	waste	water treatment processes: industrial wastewater treatment processes or municipal
11		waste	water treatment processes for which there are no applicable requirements;
12	(G)	gasoli	ne distribution: gasoline service stations or gasoline dispensing facilities;
13	(H)	dispen	sing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants
14		or coo	ling oils;
15	(I)	solven	at recycling: portable solvent distillation systems used for on-site solvent recycling
16		if:	
17		(i)	The portable solvent distillation system is not:
18			(I) owned by the facility, and
19			(II) operated at the facility for more than seven consecutive days; and
20		(ii)	The material recycled is recycled at the site of origin;
21	(J)	proces	sses:
22		(i)	electric motor burn-out ovens with secondary combustion chambers or
23			afterburners;
24		(ii)	electric motor bake-on ovens;
25		(iii)	burn-off ovens for paint-line hangers with afterburners;
26		(iv)	hosiery knitting machines and associated lint screens, hosiery dryers and
27			associated lint screens, and hosiery dyeing processes where bleach or solvent
28			dyes are not used;
29		(v)	blade wood planers planing only green wood;
30	(K)	solid	waste landfills: municipal solid waste landfills (This Part does not apply to flares
31		and c	other sources of combustion at solid waste landfills; these flares and other
32		combi	astion sources are required to be permitted under 15A NCAC 02Q .0300 unless they
33		qualif	y for another exemption under this Paragraph.);
34	(L)	misce	llaneous:
35		(i)	motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-
36			propelled vehicles with internal combustion engines;

1		(	(11)	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 15A NCAC 02Q .0300 unless they qualify for another
4				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 15A NCAC 02Q
20				.0300 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 15A NCAC 02Q .0300
24				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 15A NCAC 02Q .0300 unless it qualifies for
30				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 15A NCAC
33				02D .1800 (If an animal operation is required to have control technology, it shall
34				be required to have a permit under this Subchapter).
35	(2)	activities	exempt	ed because of size or production rate:
36		(A) s	storage 1	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 70o 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 70o F;
7	(B)	combus	tion 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		(Interna	l combustion engines are required to be permitted under 15A NCAC 02Q .0300
17		unless tl	ney 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 15A NCAC 02Q .0300 unless they
22			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)	gasolin	e distribution: bulk gasoline plants with an average daily throughput of less than
22		4000 g	allons;
23	(D)	process	ses:
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 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)	miscell	aneous:
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, i.e., potential uncontrolled emissions, are each no more than
6			five tons per year and whose potential emissions of hazardous air pollutants are
7			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, i.e., uncontrolled emissions, are each less than five tons per
29			year, whose potential emissions of all hazardous air pollutants are below their
30			lesser quantity cutoff emission rate, and none of whose sources would violate an
31			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 15A NCAC 02D .1201;
36	(F)	case-by	r-case exemption: activities that the applicant demonstrates to the satisfaction of
37		the Dire	ector:

1		(i)	to be negligible in their air quality impacts;			
2		(ii)	not to have any air pollution control device; and			
3		(iii)	not to violate any applicable emission control standard when operating at			
4			maximum design capacity or maximum operating rate, whichever is greater.			
5	(d) Because as	n activity is exem	pted from being required to have a permit does not mean that the activity is			
6	exempted from	any applicable r	requirement or that the owner or operator of the source is exempted from			
7	demonstrating c	ompliance with any	y applicable requirement.			
8	(e) Emissions	from stationary s	source activities identified in Paragraph (c) of this Rule shall be included in			
9	determining con	mpliance with the	toxic air pollutant requirements under 15A NCAC 02D .1100 or 02Q .0700			
10	according to 15.	A NCAC 02Q .070	2 (exemptions from air toxic permitting).			
11	(f) The owner	or operator of a f	facility or source claiming an exemption under Paragraph (c) of this Rule shall			
12	provide the Dire	ctor documentation	n upon request that the facility or source is qualified for that exemption.			
13	(g) If the Director finds that an activity exempted under Paragraph (c) of this Rule is in violation of or has violated a					
14	rule in 15A NO	CAC 02D, he shal	ll revoke the permit exemption for that activity and require that activity to be			
15	permitted under	this Subchapter if	necessary to obtain or maintain compliance.			
16						
17	History Note:	Authority G.S. 14	43-215.3(a)(1); 143-215.107(a)(4); 143-215.108;			
18		Temporary Ado <sub>l</sub>	ption Eff. March 8, 1994 for a period of 180 days or until the permanent rule			
19		becomes effective	e, whichever is sooner;			
20		Eff. July 1, 1994,	;			
21		Amended Eff. Ap	oril 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;			
22		Temporary Amer	ndment Eff. December 1, 1999;			
23		Amended Eff	; January 1, 2009; July 1, 2007; June 29, 2006; July 18, 2002;			
24		July 1, 2000.				

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