

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q

DEADLINE FOR RECEIPT: February 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Throughout these rules, the phrase "under Rule..." or "under G.S..." is used when the more descriptive and accurate phrase would be "pursuant to Rule..." Similarly, phrases such as "covered under Rule..." should be replaced with something like "regulated pursuant to Rule..." or another accurate, descriptive phrase. Because these relatively vague phrases seem to be ubiquitous throughout Title 15A and are probably reasonably well understood by the regulated public, please consider employing these more accurate and descriptive phrases in all future rulemaking, perhaps beginning with these rules.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: January 27, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0102

DEADLINE FOR RECEIPT: February 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 8, line 18 – insert “15A NCAC” before “02Q .0103”

Page 8, lines 20, 23, 29, 32, 35, 36; Page 9, lines 1, 4, 6, 7, 8; Page 10, line 21; Page 11, lines 4, 8, 10, 15; and Page 12, line 9 (and others that I may have missed) – see general note, above, regarding the phrase “under Rule...” and similar references to rules and statutes.

Page 8, lines 23-24 – if the source is exempt pursuant to 15A NCAC 02Q .0702, then this Rule (15A NCAC 02Q .0102) does apply? That is how the rule now reads.

Page 8, lines 25-26 – is this Paragraph (c) necessary? If it is, consider inserting “pursuant to this Rule” after “permitting” and insert “other” after “any” if this is what is intended.

Page 8, line 29 – replace “shall not require a permit under” with “shall not be required to obtain a permit pursuant to”

Page 8, line 32 – insert “of this Rule” after “Paragraph (d)”

Page 9, line 4 – is “NSPS” a defined term? I assume it refers to New Source Performance Standards, but where is the abbreviation defined?

Page 9, lines 6-7 – replace “them under Section 15A NCAC 02D .0200 or obtain” with “such facility, pursuant to Section 15A NCAC 02D .0200, or obtain”

Page 9, line 7 – what does “if necessary to obtain compliance” mean? How will the necessity for registration and/or permitting be determined? Does this mean “obtain” or “assure” compliance? Compliance with what, precisely – this Rule, another rule, a statute, or something else?

Jason S. Thomas
Commission Counsel
Date submitted to agency: January 27, 2016

Page 9, line 7 – what does “if necessary to obtain compliance” relate to – registration pursuant to 15A NCAC 02D .0200, permitting pursuant to 15A NCAC 02Q .0300, or both? If both, move this clause to the beginning of the Paragraph: “In order to assure compliance with _____, the Director may...” Note: there must be some stated basis or standard to justify this additional registration/permitting requirement.

Page 9, line 8 – end this line with a colon – “02Q .0300:”

Page 9, line 14 – replace “involve” with a more specific term, such as “cause” or “result in”

Page 9, lines 14-15 – replace “change in quality or nature or increase in quantity of emission” with “change in the quality or nature or an increase in the quantity of an emission”

Page 9, lines 17-18 – replace “roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;” with “repairing roofs, washing, using portable vacuum cleaners, sweeping, using and associated storing of janitorial products, or removing insulation;”

Page 9, line 19 – replace “use of” with “using”

Page 9, line 20 – replace “use of” with “using”

Page 9, line 20 – replace “subject to” with “regulated pursuant to”

Page 9, line 22 – replace “replacement of” with “replacing”

Page 9, line 24 – what does “does not affect the compliance status” mean? Compliance of what, with what?

Page 9, line 24 – delete “and that”

Page 9, lines 24-25 – delete “with replacement equipment that”

Page 9, lines 26-27 – replace “equipment can be operated under that permit without any changes in the permit” with “equipment can be lawfully operated without modifying the permit”

Page 9, line 35 – delete “but not limited to”

Page 9, line 36 – automotive what – repair, design, manufacture?

Page 10, line 5 – is “input” what is meant here? Perhaps “capacity” (see 02Q .0102(h)(1)(c)(ii))?

Page 10, lines 8-9 – is “process water” defined or well-understood by your regulated public?

Page 10, line 22 – delete the comma after “.0300”

Page 10, line 30 – replace “the preparation of food” with “preparing food”

Page 10, line 36 – replace “is consistent with Section 601” with complies with the regulations set forth in Sections 601”

Page 11, line 2 – replace “those units” with “equipment”

Page 11, line 2 – replace “A unit” with “Equipment”

Page 11, line 4 – delete the comma after “.0300”

Page 11, line 6 – insert a comma after “atmosphere”

Page 11, line 8 – delete the comma after “.0300”

Page 11, line 13 – replace “covered under” with “that meets the requirements set forth in”

Page 11, line 17 – replace “subject to” with “governed by” or “regulated by”

Page 11, line 19 – replace “includes” with “including” and “units” with “equipment”

Page 11, line 22 – insert “an” before “approved”

Page 12, line 7 – replace “not to” with “do not”

Page 12, line 9 – insert “that” after “claiming”

Page 12, line 10 – is “or” really what is intended, or is “and” what is meant?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: January 27, 2016

1 15A NCAC 02Q .0102 is amended with changes as published in 30:07 NCR 731-739 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 (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) ~~combustion 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) ~~wastewater treatment processes: industrial wastewater treatment processes or municipal~~
- 11 ~~wastewater treatment processes for which there are no applicable requirements;~~
- 12 (G) ~~gasoline distribution: gasoline service stations or gasoline dispensing facilities;~~
- 13 (H) ~~dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants~~
- 14 ~~or cooling oils;~~
- 15 (I) ~~solvent 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) ~~processes:~~
- 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 does not apply to flares and~~
- 31 ~~other sources of combustion at solid waste landfills; these flares and other combustion~~
- 32 ~~sources are required to be permitted under Section .0300 of this Subchapter unless they~~
- 33 ~~qualify for another exemption under this Paragraph;~~
- 34 (L) ~~miscellaneous:~~
- 35 (i) ~~motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-~~
- 36 ~~propelled vehicles with internal combustion engines;~~

- 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 applicable 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 maximum achievable control technology under 40 CFR Part 63;
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 a facility to register them under Section 15A NCAC 02D
7 .0200 or obtain a permit under Section 15A NCAC 02Q .0300 if necessary to obtain compliance.

8 (g) The following activities do not require a permit or permit modification under Section 15A NCAC 02Q .0300.
9 [These activities shall not be included in determining applicability of any rule or standard that requires facility wide
10 aggregation of source emissions, including activities subject to Rule 15A NCAC 02D .0530, Rule 15A NCAC 02D
11 .0531, Section 15A NCAC 02Q .0500, and Section 15A 02Q .0700 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 or 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 that 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
22 NCAC 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 that requires facility-wide aggregation of
17 source emissions, including activities subject to Rule 15A NCAC 02D .0530, Rule 15ANCAC 02D .0531, Section
18 15A NCAC 02Q .0500, and Section 15A 02Q .0700:

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, wood, or approved
23 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

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

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

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

7 (6) case-by-case exemption: activities that the applicant demonstrates to the Director not to violate
8 any applicable emission control standard.

9 (i) The owner or operator of a facility or source claiming an activity is exempt under Paragraphs (d), (e), (g) or (h)
10 of this Rule shall submit emissions data, documentation of equipment type, or other supporting documents to the
11 Director upon request that the facility or source is qualified for that exemption.

12
13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;*
14 *Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
15 *becomes effective, whichever is sooner;*
16 *Eff. July 1, 1994;*
17 *Amended Eff. April 1, 1999; July 1, 1998; July 1, 1997; November 1, 1996;*
18 *Temporary Amendment Eff. December 1, 1999;*
19 *Amended Eff. March 1, 2016; May 1, 2013; January 1, 2009; July 1, 2007; June 29, 2006;*
20 *July 18, 2002; July 1, 2000.*
21

1 15A NCAC 02Q .0302 is repealed as published in 30:07 NCR 739-740 as follows:

2

3 **15A NCAC 02Q .0302 FACILITIES NOT LIKELY TO CONTRAVENE DEMONSTRATION**

4

5 *History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent
6 rule becomes effective, whichever is sooner;

7 Authority G.S. 143-215.3(a)(1); 143-215.108;

8 Eff. July 1, 1994;

9 Amended Eff. July 1, 1998; July 1, ~~1996~~; 1996;

10 Repealed Eff. March 1, 2016.

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0318

DEADLINE FOR RECEIPT: February 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Lines 4, 9, 10, 11, and 13 (and others that I may have missed) – see general note, above, regarding the phrase “under Rule...” and similar references to rules and statutes.

Line 5 – what does “have an air quality permit” mean” Perhaps “operates pursuant to the terms and conditions of a current air quality permit”?

Line 6 – insert “to that facility” after “changes”

Line 6 – replace “their” with “any applicable”

Line 8 – is this line necessary? Wouldn't exceeding allowed emissions always violate existing requirements?

Line 15 – is the notification from DAQ a regulatory requirement, or are you providing information about DAQ's internal process? If the former, keep “shall”; if the latter, replace “shall” with “will”

Lines 18 and 23 – insert “from the owner or operator” after “notification”

Line 20 – replace “a” with “the”

Line 22 – replace “any” with “all” if that is what is intended.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: January 27, 2016

1 15A NCAC 02Q .0318 is adopted as published in 30:07 NCR 740 as follows:

2
3 **15A NCAC 02Q .0318 CHANGES NOT REQUIRING PERMIT REVISIONS**

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

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

7 (1) the change does not violate any existing requirements or new applicable requirements;

8 (2) the change does not cause emissions allowed under the current permit to be exceeded;

9 (3) the change does not require a modification of a permit term or condition under Rule .0315 or avoidance
10 condition under Rule .0317 of this Section;

11 (4) the change does not require a permit under Section 15A NCAC 02Q .0700, Toxic Air Pollutant
12 Procedures;

13 (5) the change does not require a P.E. Seal under Rule 15A NCAC 02Q .0112; and

14 (6) the owner or operator shall notify the Director with written notification seven calendar days before the
15 change is made. Within seven calendar days of receipt of the notice, the Division of Air Quality shall
16 notify the owner or operator of its determination that the change meets the requirements of
17 Subparagraphs (b)(1) through (b)(5).

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

19 (1) a description of the change;

20 (2) a date on which the change will occur;

21 (3) any change in emissions; and

22 (4) any permit terms or conditions of the current permit that may be affected by this change.

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

25
26 History Note: Authority G.S. 143-215.3(a)(1); 143-215.108;

27 Eff. March 1, 2016.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02Q .0903

DEADLINE FOR RECEIPT: February 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 22 – insert a comma after “hazardous air pollutant”

Line 29 – replace “covered under” with “regulated pursuant to”

Line 30 – insert “with” after “Director” and insert commas before and after “upon request”

Line 32 – insert “set forth” after “requirements”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: January 27, 2016

1 15A NCAC 02Q .0903 is amended as published in 30:07 NCR 740 as follows:

2
3 **15A NCAC 02Q .0903 EMERGENCY GENERATORS AND STATIONARY RECIPROCATING**
4 **INTERNAL COMBUSTION ENGINES**

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

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

11 (2) “Stationary reciprocating internal combustion engine” shall be defined as set forth in 40 CFR
12 63.6675.

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

16 (1) ~~322,000 gallons per calendar year of diesel fuel,~~

17 (2) ~~48,000,000 cubic feet per calendar year of natural gas,~~

18 (3) ~~1,200,000 gallons per calendar year of liquified petroleum gas,~~

19 (4) ~~25,000 gallons per calendar year of gasoline for gasoline powered generators, or~~

20 (5) ~~any combination of the fuels listed in this Paragraph provided the facility-wide actual emissions of~~
21 each regulated air pollutant does not exceed are less than 100 tons per calendar year. year of any
22 regulated pollutant, 10 tons per calendar year of any hazardous air pollutant or 25 tons per calendar
23 year of any combination of hazardous air pollutants.

24 (c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines covered
25 under this Rule shall comply with Rules .0516 (sulfur dioxide emissions from combustion sources), .0516, .0521
26 (control of visible emissions), .0521, and .0524 (new source performance standard). .0524, and .1111 of Subchapter
27 02D.

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

33
34
35 *History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*

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

37 *Amended Eff. March 1, 2016.*