

15A NCAC 02Q .0702 EXEMPTIONS

(a) A permit to emit toxic air pollutants shall not be required pursuant to this Section for:

- (1) residential wood stoves, heaters, or fireplaces;
- (2) water heaters that are used for domestic purposes only and are not used to heat process water;
- (3) maintenance, structural changes, or repairs that do not change capacity of that process, fuel-burning, refuse-burning, or control equipment and do not involve any change in quality or nature or increase in quantity of emission of any regulated air pollutant or toxic air pollutant;
- (4) housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, cleaning with portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or non-asbestos-bearing insulation removal;
- (5) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
- (6) paving parking lots;
- (7) replacement of existing equipment with equipment of the same size, type, and function if the new equipment:
 - (A) does not result in an increase to the actual or potential emissions of any regulated air pollutant or toxic air pollutant;
 - (B) does not affect compliance status; and
 - (C) fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated pursuant to that permit without any changes to the permit;
- (8) comfort air conditioning or comfort ventilation systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (9) equipment used for the preparation of food for direct on-site human consumption;
- (10) non-self-propelled non-road engines regulated by rules adopted by the Environmental Protection Agency pursuant to Title II of the federal Clean Air Act, except generators;
- (11) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
- (12) use of fire-fighting equipment;
- (13) the use for agricultural operations by a farmer of fertilizers, pesticides, or other agricultural chemicals containing one or more of the compounds listed in 15A NCAC 02D .1104 if such compounds are applied according to agronomic practices for agricultural operations acceptable to the North Carolina Department of Agriculture;
- (14) asbestos demolition and renovation projects that comply with 15A NCAC 02D .1110 and that are being done by persons accredited by the Department of Health and Human Services pursuant to the Asbestos Hazard Emergency Response Act;
- (15) incinerators used only to dispose of dead animals or poultry as identified in 15A NCAC 02D .1201(b)(4) or incinerators used only to dispose of dead pets as identified in 15A NCAC 02D .1208(a)(2)(A);
- (16) refrigeration equipment that is consistent with Section 601 through 618 of Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, 40 CFR Part 82, and any other regulations promulgated by EPA pursuant to Title VI for stratospheric ozone protection, except those units used as or with air pollution control equipment;
- (17) laboratory activities:
 - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (B) bench scale experimentation, chemical or physical analyses, or training or instruction from nonprofit, non-production educational laboratories;
 - (C) bench scale experimentation, chemical or physical analyses, or training or instruction from hospital or health laboratories pursuant to the determination or diagnoses of illnesses; and
 - (D) research and development laboratory activities that are not required to be permitted pursuant to 15A NCAC 02Q .0500, provided the activity produces no commercial product or feedstock material;
- (18) combustion sources as defined in 15A NCAC 02Q .0703, except new or modified combustion sources permitted on or after July 10, 2010;
- (19) storage tanks used only to store:

- (A) inorganic liquids with a true vapor pressure less than 1.5 pounds per square inch absolute;
- (B) fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooling oils, natural gas, liquefied petroleum gas, or petroleum products with a true vapor pressure less than 1.5 pounds per square inch absolute;
- (20) dispensing equipment used solely to dispense diesel fuel, kerosene, lubricants, or cooling oils;
- (21) portable solvent distillation systems that are used for on-site solvent recycling if:
 - (A) the portable solvent distillation system is not owned by the facility;
 - (B) the portable solvent distillation system is not operated for more than seven consecutive days; and
 - (C) the material recycled is recycled at the site of origin;
- (22) processes:
 - (A) electric motor burn-out ovens with secondary combustion chambers or afterburners;
 - (B) electric motor bake-on ovens;
 - (C) burn-off ovens for paint-line hangers with afterburners;
 - (D) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes in which bleach or solvent dyes are not used;
 - (E) blade wood planers planing only green wood; and
 - (F) saw mills that saw no more than 2,000,000 board feet per year, provided only green wood is sawed;
- (23) wood furniture manufacturing operations as defined in 40 CFR 63.801(a) that comply with the emission limitations and other requirements of 40 CFR Part 63 Subpart JJ, provided that the terms of this exclusion shall not affect the authority of the Director pursuant to 15A NCAC 02Q .0712;
- (24) wastewater treatment systems at pulp and paper mills for hydrogen sulfide and methyl mercaptan only;
- (25) natural gas and propane fired external combustion sources with an aggregate allowable heat input value less than 450 million Btu per hour that are the only source of benzene at a facility;
- (26) internal combustion sources that are either of the following:
 - (A) emergency engines with an aggregate total horsepower less than 4843 horsepower that are the only source of formaldehyde at a facility; or
 - (B) stationary combustion turbines with an aggregate allowable heat input value less than 56 million Btu per hour that are the only source of formaldehyde at a facility;
- (27) an air emission source that is any of the following:
 - (A) subject to an applicable requirement pursuant to 40 CFR Part 61, as amended;
 - (B) an affected source pursuant to 40 CFR Part 63, as amended; or
 - (C) subject to a case-by-case MACT permit requirement issued by the Division pursuant to Paragraph (j) of 42 U.S.C. Section 7412, as amended;
- (28) gasoline-dispensing facilities or gasoline service station operations that comply with 15A NCAC 02D .0928 and .0932 and that receive gasoline from bulk gasoline plants or bulk gasoline terminals that comply with 15A NCAC 02D .0524, .0925, .0926, .0927, .0932, and .0933 via tank trucks that comply with 15A NCAC 02D .0932;
- (29) the use of ethylene oxide as a sterilant in the production and subsequent storage of medical devices or the packaging and subsequent storage of medical devices for sale if the emissions from all new and existing sources at a facility described in 15A NCAC 02D .0538(d) are controlled to the degree described in 15A NCAC 02D .0538(d) and the facility complies with 15A NCAC 02D .0538(e) and (f);
- (30) bulk gasoline plants, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 02D .0524, .0925, .0926, .0932, and .0933 unless the Director finds that a permit to emit toxic air pollutants is required under Paragraph (b) of this Rule or 15A NCAC 02Q .0712 for a particular bulk gasoline plant; or
- (31) bulk gasoline terminals, including the storage and handling of fuel oils, kerosenes, and jet fuels but excluding the storage and handling of other organic liquids, that comply with 15A NCAC 02D .0524, .0925, .0927, .0932, and .0933 if the bulk gasoline terminal existed before November 1, 1992, unless:
 - (A) a permit to emit toxic air pollutants is required under Paragraph (b) of this Rule or 15A NCAC 02Q .0712 for a particular bulk gasoline terminal; or

(B) the owner or operator of the bulk gasoline terminal meets the requirements of 15A NCAC 02D .0927(i).

(b) Emissions from the activities identified in Subparagraphs (a)(28) through (a)(31) of this Rule shall be considered in determining compliance with the toxic air pollutant requirements of this Section and shall be addressed in the permit if necessary to assure compliance. Emissions from the activities identified in Subparagraphs (a)(1) through (a)(27) of this Rule shall not be considered in determining compliance with the toxic air pollutant requirements in this Section if the terms of this exclusion will not affect the authority of the Director pursuant to 15A NCAC 02Q .0712.

(c) The addition or modification of an activity identified in Paragraph (a) of this Rule shall not cause the source or facility to be evaluated for emissions of toxic air pollutants.

(d) A source that is exempt from being permitted under this Section shall not be exempt from any applicable requirement other than those pursuant to 15A NCAC 02Q .0700 and 02D .1100. Additionally, the owner or operator of the source shall not be exempt from demonstrating compliance with any applicable requirement other than those exempt pursuant to 15A NCAC 02Q .0700 and 02D .1100.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107; 143-215.108; 143B-282;
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