

**SUBCHAPTER 02Q AIR QUALITY PERMITS  
SECTION .0800 EXCLUSIONARY RULES**

**. 0801 PURPOSE AND SCOPE**

- (a) This Section establishes categories of facilities that may be exempt from the requirements of 15A NCAC 02Q .0500, 15A NCAC 02D .1111, or 40 CFR Part 63 by defining their potential emissions to be less than:
  - (1) 100 tons per year of each regulated air pollutant;
  - (2) 10 tons per year of each hazardous air pollutant; and
  - (3) 25 tons per year of all hazardous air pollutants combined; as determined by criteria set out in each individual source category rule.
- (b) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 CFR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Section.
- (c) Potential emissions of hazardous air pollutants limited through the procedures of this Section may be used to determine the applicability of specific requirements of 40 CFR Part 63 to a facility.
- (d) The owner or operator of a facility or source qualified to be governed pursuant to a rule in this Section who chooses not to be governed pursuant to that shall notify the Director in writing that he or she does not want the facility or source to be governed pursuant to this Section, and this Section shall no longer apply to that facility of source.
- (e) Violations of rate-based emission limits or other applicable requirements shall not be excused by reliance on emission limits or caps set forth in this Section.
- (f) An exemption pursuant to this Section from the requirements set forth in 15A NCAC 02Q .0500, 15 A NCAC 02D.1111 or 40 CFR Part 63 shall not affect the requirements of 15A NCAC 02Q .0300,. Construction and Operation Permit.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;  
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## **.0802 GASOLINE SERVICING STATIONS AND DISPENSING FACILITIES**

- (a) For the purpose of this Rule the following definitions shall apply:
  - (1) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.
  - (2) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.
- (b) This Rule shall apply only to gasoline service stations and gasoline dispensing facilities that are in compliance with 15A NCAC 02D .0928.
- (c) Potential emissions from gasoline service stations and gasoline dispensing facilities shall be determined using actual gasoline throughput.
- (d) A gasoline service station or gasoline dispensing facility that has an annual throughput, on a calendar month rolling average basis, of less than 15,000,000 gallons shall be exempt from the requirements of 15A NCAC 02Q .0500.
- (e) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from 15A NCAC 02Q .0500 shall submit a report containing the information described in Paragraph (f) of this Rule if:
  - (1) annual throughput exceeds 10,000,000 gallons, by the end of the month following the month that throughput exceeds 10,000,000 gallons and every 12 months thereafter;
  - (2) annual throughput exceeds 13,000,000 gallons, by the end of the month following the month that throughput exceeds 13,000,000 gallons and every six months thereafter; or
  - (3) annual throughput exceeds 15,000,000 gallons, by the end of the month following the month that throughput exceeds 15,000,000 gallons and shall submit a permit application pursuant 15A NCAC 02Q .0500.
- (f) The report required by Paragraph (e) of this Rule shall include:
  - (1) the name and location of the gasoline service station or gasoline dispensing facility;
  - (2) the annual throughput of gasoline for each of the 12month periods ending on each month since the previous report was submitted, including monthly gasoline throughput for each month required to calculate the annual gasoline throughput for each 12-month period; and
  - (3) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.
- (g) The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of annual throughput to the Director upon request. The owner or operator of a gasoline service station or gasoline dispensing facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document annual throughput for all 12- month periods during the previous three years.
- (h) For facilities governed by this Rule. the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;  
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## **.0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS**

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

- (1) "Coating operation" means a process in which paints, enamels, lacquers, varnishes, inks, dyes, glues, and other similar materials are applied to wood, paper, metal, plastic, textiles, or other types of substrates.
- (2) "Solvent cleaning operation" means the use of solvents containing volatile organic compounds to clean soils from metal, plastic, or other types of surfaces.
- (3) "Graphic arts operation" means the application of inks to form words, designs, or pictures to a substrate, usually by a series of application rolls each with only partial coverage and usually letterpress, offset, lithography, rotogravure or flexographic process.

(b) Potential emissions from a coating operation, solvent cleaning operation, or graphic arts operation shall be determined using actual emissions without accounting for any air pollution control devices to reduce emissions of volatile organic compounds or hazardous air pollutants, including perchloroethylene, methyl chloroform, and methyl chloride, from the coating operation, solvent cleaning operation or graphic arts operation. All volatile organic compounds; hazardous air pollutants that are also volatile organic compounds; and perchloroethylene, methyl chloroform, and methyl chloride shall be assumed to evaporate and be emitted into the atmosphere at the source.

(c) Paragraphs (e) through (m) of this Rule shall not apply to any facility whose potential emissions are greater than or equal to:

- (1) 100 tons per year of each regulated air pollutant;
- (2) 10 tons per year of each hazardous air pollutant; or
- (3) 25 tons per year of all hazardous air pollutants combined,

as determined by criteria set out in each individual source category rule.

(d) A maximum achievable control technology (MACT) standard promulgated pursuant to 40 FR Part 63 shall be used to determine the applicability of that MACT standard, notwithstanding any exemption established in this Rule.

(e) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics arts operation shall be exempt from the requirements of 15A NCAC 02Q .0500, provided that the owner or operator of the facility complies with Paragraphs (g) through (k) of this Rule, as appropriate.

(f) Only Paragraph (b) of this Rule shall apply to coating operations, solvent cleaning operations, or graphic arts operations that are exempt from permitting by 15A NCAC 02Q .0102.

(g) The owner or operator of a facility whose potential emissions:

- a. (1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per year,
- b. (2) of each hazardous air pollutant is less than 10 tons per year but more than or equal to 7.5 tons per year, or
- c. (3) of all hazardous air pollutant combined are less than 25 tons per year but more than or equal to 18 tons per year,

shall maintain records and submit reports as described in Paragraphs (h) and (k) of this Rule.

(h) For facilities governed by under Paragraph (g) of this Rule, the owner or operator shall:

- a. maintain monthly consumption records of each material used that contains volatile organic compounds as follows:
  - i. A. the quantity of volatile organic compound in pounds per gallon of each material

- used;
- ii. B. the pounds of volatile organic compounds of each material used per month and the total pounds of volatile organic compounds of each material used during the 12-month period ending on that month;
- iii. C. the quantity of each hazardous air pollutant in pounds per gallon of each material used;
- iv. D. the pounds of each hazardous air pollutant of each material used per month and the total pounds of each hazardous air pollutant of each material used during the 12-month period ending on that month;
- v. E. the quantity of all hazardous air pollutants in pounds per gallon of each material used; and
- vi. F. the pounds of all hazardous air pollutants of each material used per month and the total pounds of all hazardous air pollutants of each material used during the 12-month period ending on that month; and
- b. 2. submit to the Director each quarter, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:
  - i. A. the pounds volatile organic compounds used
    - 1. (i) for each month during the quarter; and
    - 2. (ii) for each 12-month period ending on each month during the quarter using the 12- month rolling average method;
  - ii. B. the greatest quantity in pounds of an individual hazardous air pollutant used:
    - 1. (i) for each month during the quarter; and
    - 2. (ii) for each 12-month period ending on each month during the quarter using the 12- month rolling average method; and
  - iii. C. the pounds of all hazardous air pollutant used:
    - 1. (i) for each month during the quarter; and
    - 2. (ii) for each 12-month period ending on each month during the quarter using the 12- month rolling average method.
- (i) The owner or operator of a facility whose potential emissions:
  - a. of volatile organic compounds are less than 75 tons per year;
  - b. of each hazardous air pollutant is less than 7.5 tons per year, and
  - c. of all hazardous air pollutants combined are less than 18 tons per year,
 shall maintain records and submit reports as described in Paragraphs (j) and (k) of this Rule.
- (j) For facilities governed by Paragraph (i) of this Rule, the owner or operator shall submit to the regional supervisors of the appropriate Division regional office by March 1 of each year, or more frequently if required by a permit condition, a report summarizing emissions of volatile organic compounds and hazardous air pollutants containing the following:
  - a. 1. the number of pounds of volatile organic compounds used during the previous calendar year,
  - b. 2. the number of pounds of the highest individual hazardous air pollutant used during the previous year, and
  - c. 3. the number of pounds of all hazardous air pollutants used during the previous year.
- (k) In addition to the specific reporting requirements for sources governed by Paragraphs (g) and (i) of this Rule, the owner or operator of the source shall:

- a. 1. maintain purchase orders and invoices of materials containing volatile organic compounds. which shall be made available to the Director upon request;
- b. 2. retain purchase orders and invoices for a period of at least three years;
- c. 3. report to the Director any exceedance of a requirement of this Rule within one week of occurrence; and
- d. 4. certify all submittals as to the truth, completeness, and accuracy of all information recorded and reported over the signature of a responsible official as defined in 15A NCAC 02Q .0303.

(l) Copies of all records required to be maintained pursuant to Paragraphs (h), (j) or (k) of this Rule shall be maintained at the facility and shall be available for inspection by personnel of the Division.

(m) The Director shall maintain a list of facilities governed by this Rule.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;  
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**.0804 DRY CLEANING FACILITIES**

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

- (1) “Dry cleaning facility” means an establishment with one or more dry cleaning systems in 40 CFR 63.321.
- (2) “Perchloroethylene consumption” means the total volume of perchloroethylene purchased based upon purchase receipts or other reliable measures.

(b) Potential emissions from dry cleaning facilities shall be determined using perchloroethylene consumption.

(c) A dry cleaning facility that has a yearly perchloroethylene consumption as determined pursuant to 40 CFR 63.323(d) of less than 10 tons shall be exempt from the requirements of 15A NCAC 02Q .0500.

(d) The owner or operator of a dry cleaning facility shall report perchloroethylene consumption in accordance with 40 CFR 63.324.

(e) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10);143-215.108;  
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**.0805 GRAIN ELEVATORS**

(a) This Rule shall apply to grain elevators that only:

- (1) receive grain directly from the farm; and
- (2) clean, dry, grind, or store grain before it is transported elsewhere.

(b) This rule shall not apply to:

- (1) facilities that process grain beyond cleaning, drying, or grinding; or
- (2) facilities that use:
  - (A) tunnel belts; or
  - (B) head houses and elevator legs vented to cyclonic control devices.

(c) Potential emissions from grain elevators shall be determined using tons of grain received or shipped, whichever is greater.

(d) A grain elevator that receives or ships less than 588,000 tons of grain per year shall be exempt from the requirements of 15A NCAC 02Q .0500.

(e) The owner or operator of a grain elevator that receives or ships:

- (1) less than 392,000 tons per year shall retain records of annual tons of grain received or shipped at the site. These records shall be made available to Division personnel upon request of the Division; or
- (2) at least 392,000 but less than 588,000 tons per year shall retain records of annual tons of grain received or shipped at the site and shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:
  - (A) the name and location of the grain elevator;
  - (B) the number of tons of grain received and shipped during the previous calendar year; and
  - (C) the signature of a responsible official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

(f) The owner or operator of any grain elevator exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of annual tons of grain received or shipped to the Director upon request. The owner or operator of a grain elevator exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document annual tons of grain received or shipped for each of the previous three years.

(g) For facilities governed by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-15.108; Eff. August 1, 1995; Amended Eff. April 1, 2001; July 1, 1998; Readopted Eff. April 1, 2018.*

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3 <sup>rd</sup> Revision	Jul 10, 2019	Oct 18, 2022	87 FR 62990



**.0806 COTTON GINS**

(a) Potential emissions from cotton gins shall be determined using actual number of bales of cotton, not exceeding 500 pounds each, produced.

(b) A cotton gin that gins less than 167,000 bales of cotton per year shall be exempt from the requirements of 15A NCAC 02Q .0500.

(c) The owner or operator of a cotton gin exempted by this Rule from 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office, by March 1 of each year, a report containing the following information:

- (1) the name and location of the cotton gin;
- (2) the number of bales of cotton produced during the previous year; and
- (3) the signature of a responsible official as defined in 15A NCAC 02Q .0303 certifying as to the truth and accuracy of the report.

(d) The owner or operator of a cotton gin exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of the number of bales produced to the Director upon request. The owner or operator of a cotton gin exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document number of bales of cotton produced for each of the previous three years.

(e) If the number of bales specified in Paragraph (b) of this Rule are exceeded, the owner or operator shall report to the Director this event within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143- 215.108; Eff. August 1, 1995; Amended Eff. May 1, 2004; April 1, 2001; July 1, 1998; Readopted Eff. April 1, 2018.*

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## **.0807 EMERGENCY GENERATORS**

(a) This Rule shall apply to facilities whose only sources requiring a permit are one or more emergency generators or emergency use internal combustion engines and associated fuel storage tanks.

(b) For the purposes of this Rule:

(3) "Emergency generator" means a stationary internal combustion engine used to generate electricity at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if necessary to protect the environment. An emergency generator may be operated periodically to ensure that it will operate;

(4) "Emergency use internal combustion engines" means a stationary internal combustion engines used to drive pumps, aerators, and other equipment at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if necessary to protect the environment. An emergency use internal combustion engine may be operated periodically to ensure that it will operate.

(c) For the purposes of this Rule, potential emissions from emergency generators and emergency use internal combustion engines shall be determined using fuel consumption.

(d) A facility whose emergency generators and emergency use internal combustion engines that consume less than:

- (1) 322,000 gallons per year of diesel fuel for diesel powered generators,
- (2) 62,500,000 cubic feet per year of natural gas for natural gas-powered generators,
- (3) 1,440,000 gallons per year of liquefied petroleum gas for liquefied petroleum gas-powered generators, and
- (4) 50,800 gallons per year of gasoline for gasoline-powered generators, shall be exempt from the requirements of 15A NCAC 02Q .0500.

(e) The owner or operator of a emergency generator or emergency use internal combustion engine exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office by March 1 of each year a report containing the following information:

- (1) the name and location of the facility,
- (2) the types and quantity of fuel consumed by emergency generators and emergency use internal combustion engines; and
- (3) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.

(f) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of types and quantities of fuel consumed to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document types and quantities of fuels consumed for each of the previous three years.

(g) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.

*History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;  
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**.0809 CONCRETE BATCH PLANTS**

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