

# County of Forsyth




## **PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT FORSYTH COUNTY OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION WINSTON-SALEM, NC**

The Forsyth County Environmental Assistance and Protection Advisory Board will hold a public hearing on Tuesday, April 25 2017 at 10:00 a.m. in the board room on the first floor of the Government Center at 201 North Chestnut Street in Winston-Salem, NC. The hearing is for the adoption of revisions to Chapter 3 of the Forsyth County Air Quality Control Ordinance and Technical Code to incorporate changes made to North Carolina's State Implementation Plan.

The following rules are proposed for revision: **3Q-Air Quality Permits, Section 3Q-0100 General Provisions, 0102 Permit Exemptions, and Section 3Q-0900 Permit Exemptions, 0903 Emergency Generators and Reciprocating Engines. Section 3Q-0300 Construction and Operation Permit, 0302 Facilities not likely to contravene demonstration** is proposed for repeal and **0318 Changes not requiring permit revision** is proposed for adoption. Any person may appear before the Environmental Assistance and Protection Advisory Board and bring representatives, consultants, and witnesses to be heard relative to the matter for which action by the Board is sought, provided advance notice is given to the Office Director of such matter to be considered.

The proposed rule changes are available at [http://www.forsyth.cc/EAP/public\\_notices.aspx](http://www.forsyth.cc/EAP/public_notices.aspx) and at the Forsyth County Office of Environmental Assistance and Protection on the fifth floor of the Forsyth County Government Center at 201 North Chestnut Street in Winston-Salem, North Carolina. The public comment period begins today and ends on April 25, 2017. Date: March 24, 2017

  
\_\_\_\_\_  
Minor Barnette, Director

PROPOSED REVISIONS TO CHAPTER 3 OF THE  
FORSYTH COUNTY CODE AND AIR QUALITY  
CONTROL TECHNICAL CODE

PUBLIC HEARING TIME & DATES

10 AM, April 25, 2017

First Floor Board Room

Forsyth County Government Center

201 North Chestnut Street

Winston-Salem, NC 27101

Telephone Number: (336) 703-2440

Fax Number: (336) 703- 2777

Proposed rule revision are available on our website at:

[http://www.forsyth.cc/EAP/public\\_notices.aspx](http://www.forsyth.cc/EAP/public_notices.aspx)

# CHANGES TO RULES

## INSTRUCTIONS FOR UNDERSTANDING CHANGES

Additions: Words, sentences, or entire paragraphs to be added are underlined.

For example, Area sources mean all sources other than point sources.

Deletions: Words, sentences, or entire paragraphs to be deleted are struck through.

For example, ~~Area sources mean all sources other than point sources.~~

**Additions/Deletions:** Words, sentences, or entire paragraphs that have been changed as a result of comments received prior or during the public or during the public hearing.

For example, July ~~1, 2009-10, 2009~~

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## SUBCHAPTER 3Q - AIR QUALITY PERMITS

### SECTION 3Q-0100 GENERAL PROVISIONS

#### Sec. 3Q-0102. Activities exempted from permit requirements

(a) ~~This Rule does not apply to facilities required to have a permit under [Section 3D-0500](#). This Rule applies only to permits issued under [Section 3D-0300](#).~~

(b) ~~If a source is subject to any of the following Rules, then the source is not exempted from permit requirements, and the exemptions in Paragraph (c) of this Rule do not apply:~~

- (1) ~~new source performance standards under Sec. [3D-0524](#) or 40 CFR Part 60, except when the following activities are eligible for exemption under Paragraph (c) of this Rule;~~
  - (A) ~~40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units;~~
  - (B) ~~40 CFR Part 60, Subparts K, Ka, or Kb, volatile organic liquid storage vessels;~~  
~~or~~
  - (C) ~~40 CFR Part 60, Subpart AAA, new residential wood heaters;~~
  - (D) ~~40 CFR Part 60, Subpart JJJ, petroleum dry cleaners; or~~
  - (E) ~~40 CFR Part 60, Subpart WWW, municipal solid waste landfills;~~
  - (F) ~~40 CFR Part 60, Subpart IIII, stationary compression ignition internal combustion engines, or~~
  - (G) ~~40 CFR Part 60, Subpart JJJJ, stationary spark ignition internal combustion engines.~~
- (2) ~~national emission standards for hazardous air pollutants under Sec. [3D-1110](#) or 40 CFR Part 61;~~
- (3) ~~prevention of significant deterioration under Sec. [3D-0530](#);~~
- (4) ~~new source review under Sec. [3D-0531](#) or [0532](#);~~
- (5) ~~Reserved;~~
- (6) ~~sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under Sec. [3D-1109](#), [1111-1112](#) or 40 CFR Part 63 that are required to have a permit under Section 3Q-0500 of this Subchapter; or~~
- (7) ~~sources at facilities subject to [Section 3D-1100](#) (If a source qualifies for an exemption in Subparagraphs (a)(1) through (a)(24) of 15A NCAC 02Q .0702, or does not emit a toxic air pollutant for which the facility at which it is located has been modeled, it shall be exempted from needing a permit if it qualifies for one of the exemptions in Paragraph (c) of this Rule.)~~

(e) ~~The following activities do not need a permit or permit modification under [Section 3D-0300](#); however, the Director may require the owner or operator of these activities to register them under [Section 3D-0200](#):~~

- (1) ~~activities exempted because of category:~~
  - (A) ~~maintenance, upkeep, and replacement:~~
    - (i) ~~maintenance, structural changes, or repairs which do not change the capacity of such 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 regulated air pollutants;~~
    - (ii) ~~housekeeping activities or building maintenance procedures, including painting buildings, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or non asbestos insulation removal;~~
    - (iii) ~~use of office supplies, supplies to maintain copying equipment, or blueprint machines;~~
    - (iv) ~~use of fire fighting equipment;~~
    - (v) ~~paving parking lots; or~~
    - (vi) ~~replacement of existing equipment with equipment of the same size, type, and function that does not result in an increase to the actual or potential emission of regulated air pollutants and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;~~
  - (B) ~~air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;~~
  - (C) ~~laboratory activities:~~
    - (i) ~~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;~~
    - (ii) ~~bench scale experimentation, chemical or physical analyses, training or instruction from not for profit, non production educational laboratories;~~
    - (iii) ~~bench scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illnesses; or~~
    - (iv) ~~research and development laboratory activities provided the activity produces no commercial product or feedstock material;~~
  - (D) ~~storage tanks:~~
    - (i) ~~storage tanks used solely to store fuel oils, kerosene, diesel, crude oil, used motor oil, lubricants, cooking oils, natural gas or liquefied petroleum gas;~~

- (ii) ~~storage tanks used to store gasoline or ethanol based fuels for which there are no applicable requirements except Stage I controls under Sec. [3D-0928](#);~~
- (iii) ~~storage tanks used solely to store inorganic liquids; or~~
- (iv) ~~storage tanks or vessels used for the temporary containment of materials resulting from an emergency response to an unanticipated release of hazardous materials;~~
- (E) ~~combustion and heat transfer equipment:~~
  - (i) ~~space heaters burning distillate oil, kerosene, natural gas, or liquefied petroleum gas operating by direct heat transfer and used solely for comfort heat;~~
  - (ii) ~~residential wood stoves, heaters, or fireplaces;~~
  - (iii) ~~hot water heaters which are used for domestic purposes only and are not used to heat process water;~~
- (F) ~~wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no applicable requirements;~~
- (G) ~~gasoline distribution: gasoline service stations or gasoline dispensing facilities;~~
- (H) ~~dispensing equipment: equipment used solely to dispense diesel fuel, kerosene, lubricants or cooling oils;~~
- (I) ~~solvent recycling: portable solvent distillation systems used for on-site solvent recycling if:~~
  - (i) ~~The portable solvent distillation system is not:~~
    - (I) ~~owned by the facility, and~~
    - (II) ~~operated at the facility for more than seven consecutive days;~~
    - ~~and~~
  - (ii) ~~The material recycled is recycled at the site of origin;~~
- (J) ~~processes:~~
  - (i) ~~electric motor burn-out ovens with secondary combustion chambers or afterburners;~~
  - (ii) ~~electric motor bake-on ovens;~~
  - (iii) ~~burn-off ovens for paint line hangers with afterburners;~~
  - (iv) ~~hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;~~
  - (v) ~~blade wood planers planing only green wood;~~
- (K) ~~solid waste landfills: municipal solid waste landfills (This Part does not apply to flares and other sources of combustion at solid waste landfills; these flares and other combustion sources are required to be permitted under Section [3Q-0300](#) unless they qualify for another exemption under this Paragraph.);~~
- (L) ~~miscellaneous:~~

- ~~(i) — motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines;~~
  - ~~(ii) — non self-propelled non road engines, except generators, regulated by rules adopted under Title II of the federal Clean Air Act (Generators are required to be permitted under Section [3Q-0300](#) unless they qualify for another exemption under this Paragraph.);~~
  - ~~(iii) — portable generators regulated by rules adopted under Title II of the Federal Clean Air Act;~~
  - ~~(iv) — equipment used for the preparation of food for direct on-site human consumption;~~
  - ~~(v) — a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act;~~
  - ~~(vi) — exit gases from in-line process analyzers;~~
  - ~~(vii) — stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;~~
  - ~~(viii) — 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 under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment (A unit used as or in conjunction with air pollution control equipment is required to be permitted under Section [3Q-0300](#) unless it qualifies for another exemption under this Paragraph.);~~
  - ~~(ix) — equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds (Equipment that emits volatile organic compounds is required to be permitted under Section [3Q-0300](#) unless it qualifies for another exemption under this Paragraph.);~~
  - ~~(x) — equipment that does not emit any regulated air pollutants;~~
  - ~~(xi) — Reserved;~~
  - ~~(xii) — sources for which there are no applicable requirements; or~~
  - ~~(xiii) — animal operations not required to have control technology under Section [3D-1800](#) (If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter).~~
- ~~(2) — activities exempted because of size or production rate:~~
- ~~(A) — storage tanks:~~
    - ~~(i) — above-ground storage tanks with a storage capacity of no more than 1100 gallons storing organic liquids with a true vapor pressure of no more than 10.8 pounds per square inch absolute at 70°F; or~~
    - ~~(ii) — underground storage tanks with a storage capacity of no more than 2500 gallons storing organic liquids with a true vapor pressure of no more than 10.8 psi absolute at 70°F;~~
  - ~~(B) — combustion and heat transfer equipment:~~



- (i) ~~fuel combustion equipment, except for internal combustion engines firing exclusively kerosene, No.1 fuel oil, No.2 fuel oil, equivalent unadulterated fuels, or a mixture of these fuels or one or more of these fuels mixed with natural gas or liquefied petroleum gas with a heat input rating of less;~~
  - (I) ~~10 million Btu per hour for which construction, modification, or reconstruction commenced after June 9, 1989; or~~
  - (II) ~~30 million Btu per hour for which construction, modification, or reconstruction commenced before June 10, 1989;~~

~~(Internal combustion engines are required to be permitted under Section [3Q-0300](#) unless they qualify for another exemption under this Paragraph);~~
- (ii) ~~fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels with a heat input rating less than 65 million Btu per hour (Internal combustion engines are required to be permitted under Section [3Q-0300](#) unless they qualify for another exemption under this Paragraph);~~
- (iii) ~~space heaters burning waste oil if:~~
  - (I) ~~The heater burns only oil that the owner or operator generates or used oil from do it yourself oil changers who generate used oil as household wastes;~~
  - (II) ~~The heater is designed to have a maximum capacity of not more than 500,000 Btu per hour; and~~
  - (III) ~~The combustion gases from the heater are vented to the ambient air;~~
- (iv) ~~fuel combustion equipment with a heat input rating less than 10 million Btu per hour that is used solely for space heating except:~~
  - (I) ~~space heaters burning waste oil, or~~
  - (II) ~~internal combustion engines;~~
- (v) ~~emergency use generators and other internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self propelled vehicles, that have a rated capacity of no more than:~~
  - (I) ~~680 kilowatts (electric) or 1000 horsepower for natural gas fired engines,~~
  - (II) ~~1800 kilowatts (electric) or 2510 horsepower for liquefied petroleum gas fired engines,~~
  - (III) ~~590 kilowatts (electric) or 900 horsepower for diesel fired or kerosene fired engines, or~~
  - (IV) ~~21 kilowatts (electric) or 31 horsepower for gasoline fired engines;~~  
~~(Self propelled vehicles with internal combustion engines are exempted under Subpart (c)(1)(L)(i) of this Paragraph.)~~

- (vi) ~~portable generators and other portable equipment with internal combustion engines not regulated by rules adopted under Title II of the federal Clean Air Act, except self-propelled vehicles, that operate at the facility no more than a combined 350 hours for any 365-day period provided the generators or engines have a rated capacity of no more than 750 kilowatt (electric) or 1100 horsepower each and provided records are maintained to verify the hours of operation (Self-propelled vehicles with internal combustion engines are exempted under Subpart (e)(1)(L)(i) of this Paragraph.);~~
- (vii) ~~peak shaving generators that produce no more than 325,000 kilowatt-hours of electrical energy for any 12-month period provided records are maintained to verify the energy production on a monthly basis and on a 12-month basis;~~
- (C) ~~gasoline distribution: bulk gasoline plants with an average daily throughput of less than 4000 gallons;~~
- (D) ~~processes:~~
  - (i) ~~graphic arts operations, paint spray booths or other painting or coating operations without air pollution control devices (water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices), and solvent cleaning operations located at a facility whose facility-wide actual emissions of volatile organic compounds are less than five tons per year (Graphic arts operations, coating operations, and solvent cleaning operations are defined in Sec. [3Q-0803](#));~~
  - (ii) ~~sawmills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;~~
  - (iii) ~~perchloroethylene dry cleaners that emit less than 13,000 pounds of perchloroethylene per year;~~
  - (iv) ~~electrostatic dry powder coating operations with filters or powder recovery systems including electrostatic dry powder coating operations equipped with curing ovens with a heat input of less than 10,000,000 Btu per hour;~~
- (E) ~~miscellaneous:~~
  - (i) ~~any source whose emissions would not violate any applicable emissions standard and whose potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., potential uncontrolled emissions, are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff except:~~
    - (I) ~~storage tanks,~~
    - (II) ~~fuel combustion equipment,~~

~~(III) — space heaters burning waste oil,  
(IV) — generators, excluding emergency generators, or other non-self-propelled internal combustion engines,  
(V) — bulk gasoline plants,  
(VI) — printing, paint spray booths, or other painting or coating operations,  
(VII) — sawmills,  
(VIII) — perchloroethylene dry cleaners, or  
(IX) — electrostatic dry powder coating operations,~~  
provided that the total potential emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide from the facility are each less than 40 tons per year and the total potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates or provided that the facility has an air quality permit (A source identified in Sub-subpart (I) through (IX) of this Part is required to be permitted under Section [3Q-0300](#) unless it qualifies for another exemption under this Paragraph.);

- ~~(ii) — any facility whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, and carbon monoxide before air pollution control devices, i.e., uncontrolled emissions, are each less than five tons per year, whose potential emissions of all hazardous air pollutants are below their lesser quantity cutoff emission rates and none of whose sources would violate an applicable emissions standard;~~
- ~~(iii) — any source that only emits hazardous air pollutants that are not also a particulate or a volatile organic compound and whose potential emissions of hazardous air pollutants are below their lesser quantity cutoff emission rates; or~~
- ~~(iv) — any incinerator covered under Subparagraph (c)(4) of Subchapter Sec. [3D-1201](#).~~
- (F) — Reserved:

~~(d) — An activity that is exempt from the permit or permit modification process is not exempted from other applicable requirements. The owner or operator of the source is not exempt from demonstrating compliance with any applicable requirement.~~

~~(e) — Emissions from stationary source activities identified in Paragraph (c) of this Rule shall be included in determining compliance with the toxic air pollutant requirements under [Section 3D-1100](#) or [Section 3Q-0700](#) according to Sec. [3Q-0702](#) (exemptions from air toxic permitting).~~

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

~~(g) — If the Director finds that an activity exempted under Paragraph (c) of this Rule is in violation of or has violated a rule in [Subchapter 3D](#), he shall revoke the permit exemption for that activity~~

and require that activity to be permitted under this Subchapter if necessary to obtain or maintain compliance.

(h) ~~Activities that the applicant demonstrates to the satisfaction of the Director as meeting the following do not need a permit or permit modification under [Section 3Q-0300](#); however, the Director may require the owner or operator of these activities to register them under [Section 3D-0200](#):~~

- ~~(1) negligible air quality impacts,~~
- ~~(2) have no air pollution control device, and~~
- ~~(3) do not violate any applicable emission control standard when operating at maximum design capacity or maximum operating rate, whichever is greater.~~

~~(Ord. No. 4 94, 5 23 94; Ord. No. 9 94, 12 19 94, 7 28 97, 9 14 98, 5 24 99, 10 25 99, 7 24 00, 05 14 01, 7 22 02)~~

(a) For the purposes of this Rule, the definitions listed in Section 3D-0101 and Sec. 3Q-0103 shall apply.

(b) This Rule does not apply to:

- (1) facilities whose potential emissions require a permit under Section 3Q-0500 (Title V Procedures); or
- (2) a source emitting a pollutant that is part of the facility's Section 3D-1100 (Control of Toxic Air Pollutants) modeling demonstration if that source is not exempted under Sec. 3Q-0702.

(c) The owner or operator of an activity exempt from permitting shall not be exempt from demonstrating compliance with any applicable State or federal requirement.

(d) Any facility whose actual emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are each less than five tons per year and whose actual total aggregate emissions are less than 10 tons per year shall not require a permit under Section 3Q-0300. This Paragraph shall not apply to synthetic minor facilities that are subject to Sec. 0315 of this Subchapter.

(e) Any facility that is not exempted from permitting under Paragraph (d) of this Rule and whose actual total aggregate emissions of particulate matter (PM10), sulfur dioxide, nitrogen oxides, volatile organic compounds, carbon monoxide, hazardous air pollutants, and toxic air pollutants are greater than or equal to five tons per year and less than 25 tons per year may register their facility under Sec. 3D-0202 instead of obtaining a permit under Section 3Q-0300. This Paragraph shall not apply to any facility as follows:

- (1) synthetic minor facilities that are subject to Sec. 0315 of this Subchapter;
- (2) facilities with a source subject to maximum achievable control technology under 40 CFR Part 63;
- (3) facilities with sources of volatile organic compounds or nitrogen oxides that are located in a nonattainment area; or
- (4) facilities with a source subject to NSPS, unless the source is exempted under Paragraph (g) or (h) of this Rule.

(f) The Director may require the owner or operator of a facility to register them under Section 3D-0200 or obtain a permit under Section 3Q-0300 if necessary to obtain compliance.

(g) The following activities do not require a permit or permit modification under Section 3Q-0300. These activities shall not be included in determining applicability of any rule or standard that requires facility-wide aggregation of source emissions, including activities subject to Sec. 3D-0530, Sec. 3D-0531, Section 3Q-0500, and Section 3Q-0700 unless specifically noted below:

- (1) maintenance, upkeep, and replacement:
  - (A) maintenance, structural changes, or repair activities which do not increase the capacity of such process and do not involve any change in quality or nature or increase in quantity of emission of any regulated air pollutant;
  - (B) housekeeping activities or building maintenance procedures, including painting buildings, paving parking lots, resurfacing floors, roof repair, washing, portable vacuum cleaners, sweeping, use and associated storage of janitorial products, or insulation removal;
  - (C) use of office supplies, supplies to maintain copying equipment, or blueprint machines;
  - (D) use of firefighting equipment (excluding engines subject to 40 CFR 63, Subpart ZZZZ); or
  - (E) replacement of existing equipment with equipment of the same size (or smaller), type and function that does not result in an increase to the actual or potential emission of regulated air pollutants, and that does not affect the compliance status, and with replacement equipment that fits the description of the existing equipment in the permit, including the application, such that the replacement equipment can be operated under that permit without any changes in the permit;
- (2) air conditioning or ventilation: comfort air conditioning or comfort ventilating systems that do not transport, remove, or exhaust regulated air pollutants to the atmosphere;
- (3) laboratory or classroom activities:
  - (A) bench-scale, on-site equipment used for experimentation, chemical or physical analysis for quality control purposes or for diagnosis of illness, training, or instructional purposes;
  - (B) research and development activities that produce no commercial product or feedstock material; or
  - (C) educational activities, including but not limited to wood working, welding, and automotive;
- (4) storage tanks with no applicable requirements other than Stage I controls under Sec. 3D-0928, Gasoline Service Stations Stage I;
- (5) combustion and heat transfer equipment:
  - (A) heating units used for human comfort, excluding space heaters burning used oil, that have a heat input of less than 10 million Btu per hour and that do not provide heat for any manufacturing or other industrial process;
  - (B) residential wood stoves, heaters, or fireplaces; or
  - (C) water heaters that are used for domestic purposes only and are not used to heat process water;

- (6) wastewater treatment processes: industrial wastewater treatment processes or municipal wastewater treatment processes for which there are no state or federal air requirements;
- (7) dispensing equipment: equipment used solely to dispense gasoline, diesel fuel, kerosene, lubricants or cooling oils;
- (8) electric motor burn-out ovens with secondary combustion chambers or afterburners;
- (9) electric motor bake-on ovens;
- (10) burn-off ovens with afterburners for paint-line hangers;
- (11) hosiery knitting machines and associated lint screens, hosiery dryers and associated lint screens, and hosiery dyeing processes where bleach or solvent dyes are not used;
- (12) woodworking operations processing only green wood;
- (13) solid waste landfills: This does not apply to flares and other sources of combustion at solid waste landfills. These flares and other combustion sources are required to be permitted under Section 3Q-0300, unless they qualify for another exemption under this Paragraph; or
- (14) miscellaneous:
  - (A) equipment that does not emit any regulated air pollutants;
  - (B) sources for which there are no applicable requirements;
  - (C) motor vehicles, aircraft, marine vessels, locomotives, tractors, or other self-propelled vehicles with internal combustion engines;
  - (D) engines subject to Title II of the Federal Clean Air Act (Emission Standards for Moving Sources);
  - (E) equipment used for the preparation of food for direct on-site human consumption;
  - (F) a source whose emissions are regulated only under Section 112(r) or Title VI of the Federal Clean Air Act;
  - (G) exit gases from in-line process analyzers;
  - (H) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;
  - (I) 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 under Title VI for stratospheric ozone protection, except those units used as or in conjunction with air pollution control equipment. A unit used as or in conjunction with air pollution control equipment is required to be permitted under Section 3Q-0300, unless it qualifies for another exemption under this Paragraph;
  - (J) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds. Equipment that emits volatile organic compounds is required to be permitted under Section 3Q-0300, unless it qualifies for another exemption under this Paragraph;
  - (K) animal operations not required to have control technology under Section 3D-1800. If an animal operation is required to have control technology, it shall be required to have a permit under this Subchapter;

(L) any incinerator covered under Sec. 3D-1201(c)(4); or

(M) dry cleaning operations, regardless of NSPS or NESHAP applicability.

(h) The following activities do not require a permit or permit modification under 15A NCAC 02Q .0300. These activities are included in determining applicability of any rule or standard that requires facility-wide aggregation of source emissions, including activities subject to Sec. 3D-0530, Sec. 3D-0531, Section 3Q-0500, and Section 3Q-0700:

(1) combustion and heat transfer equipment (includes direct-fired units that only emit regulated pollutants from fuel combustion):

(A) fuel combustion equipment (excluding internal combustion engines) not subject to 40 CFR Part 60, NSPS, firing exclusively unadulterated liquid fossil fuel, wood, or approved equivalent unadulterated fuel as defined in Sec. 0103;

(B) fuel combustion equipment (excluding internal combustion engines) firing exclusively natural gas or liquefied petroleum gas or a mixture of these fuels; or

(C) space heaters burning waste oil if:

(i) the heater burns only oil that the owner or operator generates or used oil from do-it-yourself oil changers who generate used oil as household wastes; and

(ii) the heater is designed to have a maximum capacity of not more than 500,000 Btu per hour;

(2) gasoline distribution: bulk gasoline plants as defined in Sec. 3D-0926(a)(3), with an average daily throughput of less than 4,000 gallons;

(3) paint spray booths or graphic arts operations, coating operations, and solvent cleaning operations as defined in Sec. 0803 located at a facility whose facility-wide actual uncontrolled emissions of volatile organic compounds are less than five tons per year, except that such emission sources whose actual uncontrolled emissions of volatile organic compounds are less than 100 pounds per year shall qualify for this exemption regardless of the facility-wide emissions. For the purpose of this exemption water wash and filters that are an integral part of the paint spray booth are not considered air pollution control devices;

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

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

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

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

## **SECTION 3Q-0300 CONSTRUCTION AND OPERATION PERMIT**

Sec. 3Q-0302 is proposed for repeal as follows

**Sec. 3Q-0302. Repealed Facilities ~~not likely to contravene demonstration~~**

(a) ~~This Rule applies only to this Section. It does not apply to [Section 3Q-0500](#) (Title V Procedures).~~

(b) ~~If a facility is subject to any of the following Rules, the facility is not exempted from permit requirements, and the exemptions in Paragraph (c) of this Rule do not apply:~~

- ~~(1) new source performance standards under Sec. [3D-0524](#) or 40 CFR Part 60, except new residential wood heaters;~~
- ~~(2) national emission standards for hazardous air pollutants under Sec. [3D-1110](#) or 40 CFR Part 61;~~
- ~~(3) prevention of significant deterioration under Sec. [3D-0530](#);~~
- ~~(4) new source review under Sec. [3D-0531](#) or [0532](#);~~
- ~~(5) sources of volatile organic compounds subject to the requirements of Section [3D-0900](#) that are located in Mecklenburg and Gaston Counties;~~
- ~~(6) sources required to apply maximum achievable control technology for hazardous air pollutants under Sec. [3D-1109](#), [1112](#) or under 40 CFR Part 63 or to apply generally available control technology (GACT) or work practice standards under 40 CFR Part 63;~~
- ~~(7) sources at facilities subject to Section [3D-1100](#); or~~
- ~~(8) facilities subject to Title V permitting procedures under [Section 3Q-0500](#).~~

~~(c) The owner or operator of any facility required to have a permit under this Section may request the Director to exempt the facility from the requirement to have a permit. The request shall be in writing. Along with the request, the owner or operator shall submit supporting documentation to show that air quality and emission control standards will not be, nor are likely to be, contravened. This documentation shall include:~~

- ~~(1) documentation that the facility has no air pollution control devices;~~
- ~~(2) documentation that no source at the facility will violate any applicable emissions control standard when operating at maximum design or operating rate, whichever is greater; and~~
- ~~(3) ambient modeling showing that the ambient impact of emissions from the facility will not exceed the levels in Sec. [3D-0532](#) (c)(5) when all sources at the facility are operated at maximum design or operating rate, whichever is greater.~~

~~If the documentation shows to the satisfaction of the Director that air quality and emission control standards will not be, nor are likely to be, contravened, a permit shall not be required. (Ord. No. 4-94, 5-23-94; Ord. No. 9-94, 12-19-94, 11-11-96, 9-14-98)~~

**Sec. 3Q-0318. Changes not requiring permit revisions**

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

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

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



- (2) the change does not cause emissions allowed under the current permit to be exceeded;
  - (3) the change does not require a modification of a permit term or condition under Sec. 0315 or avoidance condition under Sec. 0317 of this Section;
  - (4) the change does not require a permit under Section 3Q-0700, Toxic Air Pollutant Procedures;
  - (5) Reserved; and
  - (6) the owner or operator shall notify the Director with written notification seven calendar days before the change is made. Within seven calendar days of receipt of the notice, the Director shall notify the owner or operator of its determination that the change meets the requirements of Subparagraphs (b)(1) through (b)(5).
- (c) The written notification required under Subparagraph (b)(6) of this Rule shall include:
- (1) a description of the change;
  - (2) a date on which the change will occur;
  - (3) any change in emissions; and
  - (4) any permit terms or conditions of the current permit that may be affected by this change.
- (d) A copy of the notification required under Subparagraph (b)(6) of the Rule shall be attached to the current permit until the permit is revised at the next modification, name change, ownership change, or renewal.

## SECTION 3Q-0900 PERMIT EXEMPTIONS

### **Sec. 3Q-0903. Emergency generators and stationary reciprocating internal combustion engines**

- (a) For the purposes of this Rule, the following definitions apply:
- (1) ~~“emergency~~ “Emergency generator” means a an emergency stationary reciprocating internal combustion engine used to generate electricity only during the loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during maintenance as defined in 40 CFR 63.6675. An emergency generator may be operated periodically to ensure that it will operate.
  - (2) “Stationary reciprocating internal combustion engine” shall be defined as set forth in 40 CFR 63.6675.
- (b) This rule applies to emergency generators and stationary reciprocating internal combustion engines at a facility whose only sources that would require a permit are emergency generators and stationary reciprocating internal combustion engines whose ~~emergency generators consume less than:~~
- (1) ~~322,000 gallons per calendar year of diesel fuel,~~
  - (2) ~~48,000,000 cubic feet per calendar year of natural gas,~~

- (3) ~~1,200,000 gallons per calendar year of liquified petroleum gas,~~
- (4) ~~25,000 gallons per calendar year of gasoline for gasoline powered generators, or~~
- (5) ~~any combination of the fuels listed in this Paragraph provided the facility-wide actual emissions of each regulated air pollutant does not exceed~~ are less than 100 tons per calendar year. year of any regulated pollutant, 10 tons per calendar year of any hazardous air pollutant or 25 tons per calendar year of any combination of hazardous air pollutants.

(c) The owner or operator of emergency generators and stationary reciprocating internal combustion engines covered under this Rule shall comply with Sec. [3D-0516](#), Sec. [3D-0521](#), and Sec. [3D-0524](#), of Subchapter 3D.

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