PERMANENT RULE - DRAFT 5/26/99

SECTION .1800 - CONTROL OF ODORS

15A NCAC 2D .1801 is proposed for amendment as follows:

.1801 DEFINITIONS

For the purpose of this Section, the following definitions apply:

(1) “Control technology” means economically feasible control devices installed to effectively reduce objectionable odors from animal operations.

(2) “Animal operation” means animal operation as defined in G.S. 143-215.10B.

(3) “Child care center” means child care centers as defined in G.S. 110-86 licensed under Article 7 of Chapter 110 of the General Statutes.

(4) “Construction” means any physical change (including fabrication, erection, installation, replacement, demolition, excavation, or other modification) at any contiguous area under common control.

(5) “Control technology” means economically feasible control devices installed to effectively reduce objectionable odors from animal operations.

(6) “Existing animal operation” means an animal operation that is in operation or commences construction on or before February 28, 1999.

(7) “Historic properties” means historic properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1.

(8) “Modified animal operation” means an animal operation that commences construction after February 28, 1999, to increase the number of animals that can be housed at that animal operation. Modified animal operation does not include renovating existing barns, relocating barns, or replacing existing lagoons or barns if the new barn or lagoon is no closer to the nearest property line. Activities exempted from the moratorium on construction or expansion of swine farms in S.L. 1997, c. 458, s. 1.1, do not constitute a modified animal operation provided that the owner or operator demonstrates to the Director that the activity will not result in an objectionable odor.


(10) “Objectionable odor” means any odor present in the ambient air that by itself, or in combination with other odors, is or may be harmful or injurious to human health or welfare, or may unreasonably interfere with the comfortable use and enjoyment of life or property. Odors are harmful or injurious to human health if they tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, or cause symptoms of

1
nausea, or if their chemical or physical nature is, or may be, detrimental or dangerous to human health.

(10) “Occupied residence” means occupied residence as defined in G.S. 106-802.

(11) “State Parks” means State Parks as defined in G.S. 113-44.9.

(12) "Technologically feasible" means that an odor control device or a proposed solution to an odor problem has previously been demonstrated to accomplish its intended objective, and is generally accepted within the technical community. It is possible for technologically feasible solutions to have demonstrated their suitability on similar, but not identical, sources for which they are proposed to control.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-213;
Temporary Adoption Eff. April 27, 1999; March 1, 1999.

15A NCAC 2D .1802 is proposed for amendment as follows:

.1802 CONTROL OF ODORS FROM ANIMAL OPERATIONS USING LIQUID ANIMAL WASTE

MANAGEMENT SYSTEMS

(a) Purpose. The purpose of this Rule is to control objectionable odors from animal operations beyond the boundaries of animal operations.

(b) Applicability. This Rule shall apply to all animal operations.

(c) Required management practices. All animal operations shall be required to implement applicable management practices for the control of odors as follows:

(1) The discharge point of the flush water discharge point, including discharge pipes from lift stations, shall extend to a point below the surface of the animal wastewater lagoons or wastewater holding ponds; or a method approved by the Director as equivalently effective at reducing odors from discharge into lagoons or holding ponds may be used in place of a submerged discharge point; this Subparagraph does not apply to milking parlor waste or egg laying operations lagoon;

(2) The carcasses of dead animals shall be properly stored at all times and disposed of within 24 hours after becoming aware of the death of the animal according to the methods approved by the State Veterinarian for disposal of dead domesticated animals under G. S. 106-403; 48 hours;

(3) Waste from animal wastewater application spray systems shall be applied in such a manner and under such conditions to prevent not be applied when there is danger of drift from the irrigation field of the wastewater spray beyond the boundary of the animal operation, except waste from application spray systems may be applied in an emergency to maintain safe lagoon freeboard if
the owner or operator notifies the Department and resolves the emergency with the Department as written in Section III.6 of the Swine Waste Operation General Permit;

(4) Animal wastewater application spray system intakes shall be located near the liquid surface of the animal wastewater lagoon;

(5) Ventilation fans shall be maintained according to the manufacturer’s specifications;

(6) Animal feed storage containers located outside of animal containment buildings shall be covered except when necessary to remove or add feed; this Subparagraph does not apply to the storage of silage or hay or to commodity boxes with roofs; and

(7) Animal wastewater flush tanks shall be covered with a device that is designed for ready access to prevent overflow or shall have installed a fill pipe that extends below the surface of the tank’s wastewater; or a method approved by the Director as equivalently effective at reducing odors from flush tanks may be used in place of a cover or submerged fill pipe.

All animal operations shall be in compliance with this Paragraph by June 1, 1999.

(d) Odor management plan for existing animal operations for swine. Animal operations for swine that meet the criteria in the table in this Paragraph shall submit an odor management plan to the Director according to the schedule in the table in this Paragraph. The odor management plan shall describe how odors are currently being controlled and how these odors will be controlled in the future. The odor management plan shall contain the elements described in Rule .1803(a).

<table>
<thead>
<tr>
<th>100 pounds steady state live weight of swine</th>
<th>Distance in feet to the boundary of the nearest neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center</th>
<th>Date by which the odor management plan is to be submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>at least but less than 10,000</td>
<td>less than or equal to 3,000</td>
<td>January 15, 2002</td>
</tr>
<tr>
<td>10,000</td>
<td>less than or equal to 4,000</td>
<td>July 15, 2001</td>
</tr>
<tr>
<td>20,000</td>
<td>less than or equal to 5,000</td>
<td>January 15, 2001</td>
</tr>
<tr>
<td>40,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of this rule, the distance shall be measured from the edge of the barn or lagoon, whichever is closest, to the boundary of the neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center. All animal operations for swine that are of the size in the table in this Paragraph shall either submit by the date specified in this table either an odor management plan or documentation that no neighboring occupied property with an inhabitable structure, business, school, hospital, church, outdoor recreational facility, national park, State Park, historic property, or child care center.
recreational facility, national park, State Park, historic property, or child care center are within the distances specified in the table as of the date that the submittal is due. After July 15, 2002, the Director may require existing animal operations for swine with a steady state live weight of swine between 1,000 to 10,000 hundredweights to submit an odor management plan if the Director determines that these animal operations may cause or contribute to an objectionable odor. The Director may require an existing animal operation to submit a best management plan under Paragraph (h) of this Rule if the existing animal operation fails to submit an odor management plan by the schedule in this Paragraph of this Rule.

(d)(e) Location of objectionable odor determinations.

(1) For an existing animal operation that does not meet the following siting requirements:

(A) at least 1500 feet from any occupied residence not owned by the owner of the animal operation;

(B) at least 2500 feet from any school, hospital, church, outdoor recreation facility, national park; State Park, historic property, or child care center; and

(C) at least 500 feet from any property boundary;

requirements in Subparagraph (k)(1); objectionable odors shall be determined at neighboring occupied property that is affected and not owned by the owner of the animal operation, businesses, schools, hospitals, churches, outdoor recreation facilities, national parks, State Parks, Parks as defined in G.S. 113-44.9, historic properties, properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1, or child care centers as defined in G.S. 110-86 that are licensed under Article 7 of Chapter 110 of the General Statutes, that are affected.

(2) For a new animal operation or existing animal operation that meets the siting requirements in Subparagraph (1) of this Paragraph, Subparagraph (k)(1); objectionable odors shall be determined beyond the boundary of the animal operation.

(e)(f) Complaints. The Director shall respond to complaints about objectionable odors from animal operations as follows:

(1) Complaints shall be investigated to the extent practicable.

(2) Complaints may be used to assist in determination of a best management plan failure or a control technology failure.

(3) The Director shall respond to complaints within 60 days.

(4) Complaint response shall at least include a written response of the Director’s evaluation of the complaint.

(g) Determination of the existence of an objectionable odor. In deciding if an animal operation is causing or contributing to an objectionable odor, the Director may consider one or more of the following:
(1) the nature, intensity, frequency, pervasiveness, and duration of the odors from the animal operation;

(2) the potential of emissions from the animal operation to emit known odor causing compounds, such as ammonia, total volatile organics, or hydrogen sulfide, or other sulfur compounds, at levels that could cause or contribute to an objectionable odor;

(3) any epidemiological studies associating health problems with odors from the animal operation or documented health problems associated with odors from the animal operation provided by the State Health Director; or

(4) any other evidence, including complaints and records maintained by neighbors, that show that the animal operation is causing or contributing to an objectionable odor.

(g)(h) Requirement for a best management plan for controlling odors from existing animal operations. If the Director finds that an existing animal operation is causing or contributing to an objectionable odor, the owner or operator of the animal operation shall:

(1) submit to the Director as soon as practical, but not to exceed 90 days after receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor, a best management plan for odor control as described in Rule .1803 of this Section; and

(2) be in compliance with the terms of the plan within 30 days after the Director approves the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).

(+i)(j) Requirement for amendment to best management plan. No later than 60 days from completion of a compliance schedule in an approved best management plan, or if the best management plan contains no compliance schedule, no later than 60 days from the implementation date of the best management plan, the Director shall determine whether the plan adequately controls objectionable odors from the animal operation. If the Director determines that a plan submitted under Paragraph (h) of this Rule does not control objectionable odors from the animal operation, the Director shall require the owner or operator of the animal operation to amend the plan to incorporate additional or alternative measures to control objectionable odors from the animal operation. The owner or operator shall:

(1) submit a revised best management plan to the Director as soon as practical but not later than 60 days after receipt of written notification from the Director that the plan is inadequate; and

(2) be in compliance with the revised plan within 30 days after the Director approves the revisions to the best management plan (compliance with an approved compliance schedule in the best management plan is deemed to be in compliance with the plan).
Plan failure. Any of the following conditions shall constitute failure of a best management plan:

1. failing to submit the initial best management plan required under Paragraph (g) of this Rule within 90 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
2. failing to submit a revised best management plan required under Paragraph (i) of this Rule within 60 days of receipt of written notification from the Director that the animal operation is causing or contributing to an objectionable odor;
3. failing to correct all deficiencies in a submitted best management plan under Rule .1803(b)(c) of this Section within 30 days of receipt of written notification from the Director to correct these deficiencies;
4. failing to implement the best management plan after it has been approved; or
5. finding by the Director, using the criteria under Paragraph (g) of this Rule, that, after the best management plan has been implemented and revised no more than one time; two times, the best management plan does not adequately control objectionable odors from the animal operation and will not adequately control objectionable odors even with further amendments.

Requirements for control technology. If a plan failure occurs, the Director shall require the owner or operator of the animal operation to install control technology to control odor from the animal operation. The owner or operator shall submit within 90 days from receipt of written notification from the Director of a plan failure, a permit application for control technology and an installation schedule. If the owner or operator demonstrates to the Director that a permit application cannot be submitted within 90 days, the Director may extend the time for submittal up to an additional 90 days. Control technology shall be determined according to Subparagraph (1) of this Paragraph. The installation schedule shall contain the increments of progress described in Subparagraph (2) of this Paragraph. The owner or operator may at any time request adjustments in the installation schedule and shall in his request explain why the schedule cannot be met. If the Director finds that the reason for not meeting the schedule is valid, the Director shall revise the installation schedule as requested; however, the Director shall not extend the final compliance date beyond 24 months from the date that the permit was first issued for the control technology. The owner or operator shall certify to the Director within five days after the deadline for each increment of progress described in Subparagraph (2) of this Paragraph whether the required increment of progress has been met.

1. Control technology. The owner or operator of an animal operation shall identify control technologies that are technologically feasible for his animal operation and shall select the control technology or control technologies that the owner or operator identifies as most effective for his operation results in the greatest reduction of odors considering human health, energy, environmental, and economic impacts and other costs. The owner or operator shall explain the
reasons for selecting the control technology or control technologies. If the Director finds that the
selected control technology or control technologies will effectively control odors following the
procedures in 15A NCAC 2Q .0300 or .0500, he shall approve the installation of the control
technology or control technologies for this animal operation. The owner or operator of the animal
operation shall comply with all terms and conditions in the permit.

(2) Installation schedule. The installation schedule for control technology shall contain the following
increments of progress:

(A) a date by which contracts for odor control technology systems and equipment shall be
awarded or orders shall be issued for purchase of component parts;

(B) a date by which on-site construction or installation of the odor control technology systems
and equipment shall begin;

(C) a date by which on-site construction or installation of the odor control technology systems
and equipment shall be completed; and

(D) a date by which final compliance shall be achieved.

Control technology shall be in place and operating as soon as practical but not to exceed 12
months from the date that the permit is issued for control technology.

(k)(1) New or modified animal operations. This Paragraph does not apply to activities exempted from the
moratorium on construction or expansion of swine farms in S.L. 1997, c. 458, s. 1.1 provided that the owner
or operator demonstrates to the Director that the activity will not result in an objectionable odor.

(1) Before beginning construction, the owner or operator of a new or modified animal operation
raising or producing swine shall submit and have an approved best management plan and shall
meet the following: A house or lagoon that is a component of an animal operation shall be
constructed:

(A) at least 1500 feet from any occupied residence not owned by the owner of the animal
operation;

(B) at least 2500 feet from any school, hospital, church, outdoor recreation facility, national
park, State Park, as defined in G.S. 113-44.9, historic property, property
acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of
Historic Places pursuant to G.S. 121-4.1, or child care center, as defined in G.S.
110-86, that is licensed under Article 7 of Chapter 110 of the General Statutes; and

(C) at least 500 feet from any property boundary;

(2) Before beginning construction, the owner or operator of a new or modified animal operation other
than swine shall submit and have an approved best management plan.

(3) For new or modified animal operations raising or producing swine, operation: the outer perimeter
of the land area onto which waste is applied from a lagoon that is a component of an animal operation shall be:

(A) at least 75 feet from any boundary of property on which an occupied residence not owned by the owner of the animal operation is located, and

(B) at least 200 feet from any occupied residence not owned by the owner of the animal operation.

(4) The Director shall either approve or disapprove the best management plan submitted under this Paragraph within 90 days after receipt of the plan. If the Director disapproves the plan, he shall identify the plan’s deficiency.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11); 143-215.108(a); Temporary Adoption Eff. April 27, 1999; March 1, 1999.

15A NCAC 2D .1803 is proposed for amendment as follows:

.1803 BEST MANAGEMENT PLANS FOR ANIMAL OPERATIONS

(a) Contents of a best management plan. The best management plan for animal operations shall:

(1) identify the name, location, and owner of the animal operation;

(2) identify the name, title, address, and telephone number of the person filing the plan;

(3) identify the sources of odor within the animal operation;

(4) describe how odor will be controlled from:

(A) the animal houses;

(B) the animal wastewater lagoon, if used;

(C) the animal wastewater application lands, if used;

(D) waste conveyances and temporary accumulation points; and

(E) other possible sources of odor within the animal operation;

(5) contain a diagram showing all structures and lagoons at the animal operation, forced air directions, and approximate distances to structures or groups of structures within 3000 feet of the property line of the animal operation; a recent or updated aerial photograph may be submitted in place of a diagram provided the items required under this Subparagraph of this Rule are shown;

(6) for existing animal operations, contain a schedule not to exceed 42 six months by which the plan will be implemented (a new animal operation is to have and be in compliance with its best management plan when it begins operation); for an amended best management plan, the implementation schedule shall not exceed six months; 30 days;
PERMANENT RULE - DRAFT 5/26/99

(7) describe how the plan will be implemented, including training of personnel;
(8) describe inspection and maintenance procedures; and
(9) describe methods of monitoring and recordkeeping to verify compliance with the plan.

(b) The Division shall review all best management plan submittals within 30 days of receipt of the submittal to determine if the submittal is complete or incomplete for processing purposes. To be complete, the submittal shall contain all the elements listed in Paragraph (a) of this Rule. The Division shall notify the person submitting the plan by letter stating that:

(1) the submittal is complete,
(2) the submittal is incomplete and identifying the missing elements and a date by which the missing elements need to be submitted to the Division, or
(3) the best management plan is incomplete and requesting that the person rewrite and resubmit the plan.

(b)(c) Approval of the best management plan. The Director shall approve the plan if he finds that:

(1) the plan contains all the required elements in Paragraph (a) of this Rule;
(2) the proposed schedule contained in the plan will reduce objectionable odors in a timely manner;
(3) the methods used to control objectionable odors are likely to prevent objectionable odors beyond the property lines of the animal operation (the Director shall not consider impacts of objectionable odors on neighboring property if the owner of the neighboring property agrees in writing that he does not object to objectionable odors on his property and this written statement is included with the proposed best management plan; this agreement becomes void if the neighboring property changes ownership); operation; and
(4) the described compliance verification methods are sufficient to verify compliance with the plan.

Within 90 days after receipt of a plan, the Director shall have 90 days to determine whether the proposed plan meets the requirements of this Paragraph. If the Director finds that the proposed plan does not meet the requirements of this Paragraph, he shall notify the owner or operator of the animal operation in writing of the deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies. If the Director finds that the proposed plan is acceptable, he shall notify the owner or operator in writing that the proposed plan has been approved.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.65; 143-215.66; 143-215-215.107(a)(11);
Temporary Adoption Eff. April 27, 1999; March 1, 1999; 1999; 1999;
Eff. 1999;

15A NCAC 2D .1804 is proposed for amendment as follows:
.1804 REPORTING REQUIREMENTS FOR ANIMAL OPERATIONS

If the Department receives an odor complaint about an animal operation, the Department may require the owner or operator of the animal operation to submit the following information:

1. The name and location of the animal operation;
2. The name, title, address, and telephone number of the person filing the report;
3. The type and number of animals at the animal operation;
4. Potential sources of odors, such as animal housing structures, lagoons, collection and handling devices, and storage containers, with a physical description of these sources;
5. Waste water land application procedures; and
6. Measures taken to reduce odors.

This information shall be submitted to the Division within 15 days after receipt of the request.


15A NCAC 2Q .0102 is proposed for amendment as follow:

.0102 ACTIVITIES EXEMPTED FROM PERMIT REQUIREMENTS

(a) 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 (b) of this Rule do not apply:

1. New source performance standards under 15A NCAC 2D .0524 or 40 CFR Part 60, except:
   (A) 40 CFR Part 60, Subpart Dc, industrial, commercial, and institutional steam generating units located at a facility not required to be permitted under Section .0500 of this Subchapter;
   (B) 40 CFR Part 60, Subpart Kb, volatile organic liquid storage vessels located at a facility not required to be permitted under Section .0500 of this Subchapter;
   (C) 40 CFR Part 60, Subpart AAA, new residential wood heaters;

2. National emission standards for hazardous air pollutants under 15A NCAC 2D .1110 or 40 CFR Part 61, except asbestos demolition and renovation activities;

3. Prevention of significant deterioration under 15A NCAC 2D .0530;

4. New source review under 15A NCAC 2D .0531 or .0532;

5. Sources of volatile organic compounds subject to the requirements of 15A NCAC 2D .0900 that are located in Mecklenburg County in accordance with 15A NCAC 2D .0902;

6. Sources required to apply maximum achievable control technology (MACT) for hazardous air pollutants under 15A NCAC 2D .1109, .1111, .1112, or 40 CFR Part 63 that are required to have a
PERMANENT RULE - DRAFT 5/26/99

permit under Section .0500 of this Subchapter; or

(7) sources at facilities subject to 15A NCAC 2D .1100. (If a source 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 (b) of this Rule).

(b) The following activities do not need a permit or permit modification under this Subchapter; however, the Director may require the owner or operator of these activities to register them under 15A NCAC 2D .0200:

(1) activities exempted because of category (These activities shall not be included on the permit application or in the permit.):

(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 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 which 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 illness; or

(iv) research and development laboratory activities that are not required to be permitted under Section .0500 of this Subchapter 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, cooling oils, natural gas or liquified petroleum gas;

(ii) storage tanks used to store gasoline for which there are no applicable requirements except Stage I controls under 15A NCAC 2D .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 liquified 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:

(i) gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter; or

(ii) gasoline dispensing equipment at facilities required to be permitted under Section .0500 of this Subchapter if the equipment is used solely to refuel facility equipment;

(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:
(I) recycled at the site of origin,

(II) the original material is non-photochemically reactive in accordance with 15A NCAC 2D .0518, Miscellaneous Volatile Organic Compound Emissions, and

(III) all make up material is non-photochemically reactive in accordance with 15A NCAC 2D .0518;

(J) processes:

(i) small electric motor burn-out ovens with secondary combustion chambers or afterburners;

(ii) small 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) 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;

(iii) equipment used for the preparation of food for direct on-site human consumption;

(iv) a source whose emissions are regulated only under Section 112(r) or Title VI of the federal Clean Air Act that is not required to be permitted under Section .0500 of this Subchapter;

(v) exit gases from in-line process analyzers;

(vi) stacks or vents to prevent escape of sewer gases from domestic waste through plumbing traps;

(vii) 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;

(viii) equipment not vented to the outdoor atmosphere with the exception of equipment that emits volatile organic compounds;

(ix) equipment that does not emit any regulated air pollutants;
PERMANENT RULE - DRAFT 5/26/99

(x) facilities subject only to a requirement under 40 CFR Part 63 that are not required to be permitted under Section .0500 of this Subchapter (This Subpart does not apply when a control device is used to meet a MACT or GACT emission standard.);

(xi) sources for which there are no applicable requirements and that are at a facility not required to be permitted under Section .0500 of this Subchapter;

(xii) animal operations not required to have control technology under 15A NCAC 2D .1800 or not required to be permitted under Section .0500 of this Subchapter. (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 (These activities shall not be included in the permit. If the facility is subject to the permitting procedures under Section .0500 of this Subchapter, these activities shall be listed on the permit application; otherwise, these activities shall not be listed on the permit application.):

(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 located at a facility not required to be permitted under Section .0500 of this Subchapter:

   (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 liquified petroleum gas with a heat input of less than:

      (I) 10 million BTU per hour for which construction, modification, or reconstructed commenced after June 9, 1989; or

      (II) 30 million BTU per hour for which construction, modification, or reconstruction commenced before June 10, 1989;

   (ii) fuel combustion equipment, except for internal combustion engines, firing exclusively natural gas or liquified petroleum gas or a mixture of these fuels with a heat input rating less than 65 million BTU per hour;

   (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) 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) 310 kilowatts (electric) or 460 horsepower for natural gas-fired engines,

(II) 830 kilowatts (electric) or 1150 horsepower for liquified petroleum gas-fired
engines,

(III) 270 kilowatts (electric) or 410 horsepower for diesel-fired or kerosene-fired
engines, or

(IV) 21 kilowatts (electric) or 31 horsepower for gasoline-fired engines;

(v) 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;

(vi) 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 that is not required to be permitted under Section .0500 of this Subchapter;

(D) processes:

(i) printing, 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) located at a facility whose
facility-wide actual emissions of:

(I) Volatile organic compounds are less than five tons per year, and

(II) Photochemically reactive solvent emissions under 15A NCAC 2D .0518 are
less than 30 pounds per day;

provided the facility is not required to be permitted under Section .0500 of this
Subchapter;

(ii) saw mills that saw no more than 2,000,000 board feet per year provided only green wood is sawed;

(iii) perchloroethylene dry cleaners that consume less than 13,000 pounds (965 gallons) of perchloroethylene per year;

(iv) electrostatic dry powder coating operations equipped with powder recovery including curing ovens with a heat input of less than 10,000,000 BTU per hour;

(E) miscellaneous:

(i) any source without an air pollution control device 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 are each no more than five tons per year and whose potential emissions of hazardous air pollutants are below their lessor quantity cutoff except:

(I) storage tanks,

(II) fuel combustion equipment, excluding fuel combustion equipment at facilities required to have a permit under Section .0500 of this Subchapter, firing exclusively kerosene, No. 1 fuel oil, No. 2 fuel oil, equivalent unadulterated fuels, natural gas, liquified petroleum gas, or a mixture of these fuels,

(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) saw mills,

(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;

(ii) any facility without an air pollution control device whose actual emissions of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide 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
which is not required to have a permit under Section .0500 of this Subchapter;

(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 Paragraph (d) of 15A NCAC 2D .1201.

(F) case-by-case exemption:

(i) for activities located at facilities not required to have a permit under Section .0500 of
this Subchapter, activities that the applicant demonstrates to the satisfaction of the
Director:

(I) to be negligible in their air quality impacts,

(II) not to have any air pollution control device, and

(III) not to violate any applicable emission control standard when operating at
maximum design capacity or maximum operating rate, whichever is greater; or

(ii) for activities located at facilities required to have a permit under Section .0500 of this
Subchapter: activities that the applicant demonstrates to the satisfaction of the
Director:

(I) to be negligible in their air quality impacts,

(II) not to have any air pollution control device,

(III) not to violate any applicable emission control standard when operating at
maximum design capacity or maximum operating rate, whichever is greater,

(IV) the potential emissions of each criteria pollutant is less than five tons per year,

and

(V) the potential emissions of each hazardous air pollutant is less than 1000
pounds per year.

(c) Because an activity is exempted from being required to have a permit does not mean that the activity
is exempted from any applicable requirement or that the owner or operator of the source is exempted from
demonstrating compliance with any applicable requirement.

(d) Emissions from stationary source activities identified in Paragraph (b) of this Rule shall be included in
determining compliance with the toxic air pollutant requirements under 15A NCAC 2D .1100 or 2Q .0700.

(e) The owner or operator of a facility or source claiming an exemption under Paragraph (b) of this Rule
shall provide the Director documentation upon request that the facility or source is qualified for that
exemption.
PERMANENT RULE - DRAFT 5/26/99

History Note: Filed as a Temporary Adoption Eff. March 8, 1994 for a period of
180 days or until the permanent rule is effective, whichever is
sooner;
Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.108;
Eff. July 1, 1994;
Amended Eff. July 1, 1998; July 1, 1997; November 1, 1996;
Temporary Amendment Eff. March 1, 1999.
Amended Eff. ______.