

SECTION .0800 - EXCLUSIONARY RULES**.0801 PURPOSE AND SCOPE**

(a) The purpose of this Section is to define categories of facilities that are exempted from needing a permit under Section .0500, Title V Procedures, of this Chapter or the applicability of Chapter 4 .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. [A particular maximum achievable control technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the applicability of that MACT standard]. 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.

(b) Coverage under the rules of this Section is voluntary. The owner or operator of a facility or source qualified to be covered under a rule in this Section that does not want to be covered under that rule shall notify the Director in writing that he does not want his facility covered under this Section, and the Section shall no longer apply to that facility or source.

(c) A source cannot rely on emission limits or caps contained in this Section to justify violation of any rate-based emission limits or other applicable requirements.

(d) Although a facility is exempted, by complying with this Section, from the permitting procedures contained in Section .0500, Title V Procedures, of this Chapter, or the applicability of Chapter 4 .1111 or 40 CFR Part 63, it may still need a permit under Section .0300, Construction and Operation Permit, of this Chapter unless it is exempted from needing a permit by Rule .0102 of this Chapter.

(e) Except for gasoline service stations and dispensing facilities and dry cleaning facilities, any facility or source not required to have a permit under this Chapter shall not be required to maintain records and report emissions as required under this Section.

NCDQA History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995;
Amended Eff. April 1, 1999.

WNCRAQA History Note: Adopted Eff. May 8, 2000

.0802 GASOLINE SERVICE STATIONS AND DISPENSING FACILITIES

- (a) For the purpose of this Rule the following definitions 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 only applies to gasoline service stations and gasoline dispensing facilities that are in compliance with Chapter 4 .0928.
- (c) Potential emissions for gasoline service stations and gasoline dispensing facilities shall be determined using actual gasoline throughput.
- (d) Any 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 exempted from the requirements of Section .0500 of this Chapter.
- (e) The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from Section .0500 of this Chapter 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 to the procedures in Section .0500 of this Chapter.
- (f) The report required under 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 12-month 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 appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.
- (g) The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from Section .0500 of this Chapter shall provide documentation of annual throughput to the Director upon request. The owner or operator of any gasoline service station or gasoline dispensing facility exempted by this Rule from Section .0500 of this Chapter shall retain records to document annual throughput for all 12-month periods during the previous three years.

(h) 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.

NCDQA History Note: *Statutory Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;*
Eff. August 1, 1995.

WNCRAQA History Note: *Adopted Eff. May 8, 2000*

.0803 COATING, SOLVENT CLEANING, GRAPHIC ARTS OPERATIONS

(a) For the purposes of this Rule, the following definitions 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 using letterpress, offset lithography, rotogravure, or flexographic process.

(b) Potential emissions for 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 and hazardous air pollutants that are also volatile organic compounds and perchloroethylene, methyl chloroform, and methyl chloride are assumed to evaporate and be emitted into the atmosphere at the source.

(c) Paragraphs (d) through (l) of this Rule do 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. [A particular maximum achievable control technology (MACT) standard promulgated under 40 CFR Part 63 may have a lower applicability threshold than those contained in this Paragraph. The threshold contained in that MACT standard shall be used to determine the applicability of that MACT standard.]

(d) With the exception of Paragraph (c) of this Rule, the owner or operator of a coating, solvent cleaning, or graphics arts operation shall be exempted from the requirements of Section .0500 of this Chapter, provided the owner or operator of the facility complies with Paragraphs (f) through (j) of this Rule, as appropriate.

(e) Only Paragraph (b) of this Rule applies to coating operations, solvent cleaning operations, or graphic arts operations that are exempted from needing a permit under Rule .0102 of this Chapter.

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

- (1) of volatile organic compounds are less than 100 tons per year but more than or equal to 75 tons per year;
- (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
- (3) of all hazardous air pollutants 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 (g) and (j) of this Rule.

(g) For facilities covered under Paragraph (f) of this Rule, the owner or operator shall:

- (1) maintain monthly consumption records of each material used containing volatile organic compounds as follows:
 - (A) quantity of volatile organic compound in pounds per gallon of each material used,
 - (B) pounds of volatile organic compounds of each material used per month and total pounds of volatile organic compounds of each material used during the 12-month period ending on that month,
 - (C) quantity of each hazardous air pollutant in pounds per gallon of each material used,
 - (D) pounds of each hazardous air pollutant of each material used per month and total pounds of each hazardous air pollutant of each material used during the 12-month period ending on that month,
 - (E) quantity of all hazardous air pollutants in pounds per gallon of each material used, and
 - (F) pounds of all hazardous air pollutants of each material used per month and total pounds of all hazardous air pollutants of each material used during the 12-month period ending on that month; and
- (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:
 - (A) pounds volatile organic compounds used:

- (i) for each month during the quarter, and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method;
 - (B) greatest quantity in pounds of an individual hazardous air pollutant used:
 - (i) for each month during the quarter, and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method; and
 - (C) pounds of all hazardous air pollutants used:
 - (i) for each month during the quarter, and
 - (ii) for each 12-month period ending on each month during the quarter using the 12-month rolling average method.
- (h) The owner or operator of a facility whose potential emissions:
 - (1) of volatile organic compounds are less than 75 tons per year,
 - (2) of each hazardous air pollutants is less than 7.5 tons per year, and
 - (3) of all hazardous air pollutants combined are less than 18 tons per year,
 shall maintain records and submit reports as described in Paragraphs (i) and (j) of this Rule.
 - (i) For facilities covered under Paragraph (h) of this Rule, the owner or operator shall submit to the Director 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:
 - (1) pounds volatile organic compounds used during the previous calendar year,
 - (2) pounds of the highest individual hazardous air pollutant used during the previous year, and
 - (3) pounds of all hazardous air pollutants used during the previous year.
 - (j) In addition to the specific reporting requirements for sources covered under Paragraphs (f) and (h) of this Rule, the owner or operator of the source shall:
 - (1) maintain purchase orders and invoices of materials containing volatile organic compounds, which shall be made available to the Director upon request to confirm the general accuracy of the reports filed under Paragraphs (g) or (i) of this Rule regarding materials usage;
 - (2) retain purchase orders and invoices for a period of at least three years;
 - (3) report to the Director any exceedance of a requirement of this Rule within one week of occurrence; and
 - (4) certify all submittals as to the truth, completeness, and accuracy of all information recorded and reported over the signature of the appropriate official as identified in Rule .0304(j) of this Chapter.

(k) Copies of all records required to be maintained under Paragraphs (g), (i) or (j) of this Rule shall be maintained at the facility and shall be available for inspection by personnel of the Agency on demand.

(l) The Director shall maintain a list of facilities covered under this Rule.

NCDAQ History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995.
Amended Eff. April 1, 2001; April 1, 1999.

WNCRAQA History Note: Adopted Eff. May 8, 2000.
Amended Eff. April 9, 2001.

.0804 DRY CLEANING FACILITIES

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

- (1) "Dry cleaning facility" means an establishment with one or more dry cleaning systems as defined under 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 for dry cleaning facilities shall be determined using perchloroethylene consumption.

(c) Any dry cleaning facility that has a yearly perchloroethylene consumption as determined under 40 CFR 63.323(d) of less than 10 tons shall be exempted from the requirements of Section .0500 of this Chapter.

(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.

NCDAQ History Note: Statutory Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995.

WNCRAQA History Note: Adopted Eff. May 8, 2000.

.0805 GRAIN ELEVATORS

(a) This Rule applies 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 for grain elevators shall be determined using actual tons of grain received or shipped, whichever is greater.
- (d) Any grain elevator that receives or ships less than 588,000 tons of grain per year shall be exempted from the requirements of Section .0500 of this Chapter.
- (e) The owner or operator of a grain elevator that receives or ships:
 - (1) less than 392,000 tons of grain per year shall retain records of actual annual tons of grain received or shipped at the site. These records shall be made available to Agency personnel upon request of the Director; or
 - (2) at least 392,000 but less than 588,000 tons of grain per year shall retain records of actual annual tons of grain received or shipped at the site and shall submit to the Agency Director, by March 1 of each year, a report containing the following information:
 - (A) the name and location of the grain elevator;
 - (B) the tons of grain received and shipped during the previous calendar year; and
 - (C) the signature of the appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.
- (f) The owner or operator of the grain elevator exempted by this Rule from Section .0500 of this Chapter shall provide documentation of actual 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 Section .0500 of this Chapter shall retain records to document actual annual tons of grain received or shipped 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.

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

WNCRAQA History Note: Adopted Eff. May 8, 2000.
Amended Eff. April 9, 2001.

.0806 COTTON GINS

- (a) Potential emissions for cotton gins shall be determined using actual number of bales of cotton, not exceeding 500 pounds each, produced.
- (b) Any cotton gin that gins less than 167,000 bales of cotton per year shall be exempted from the requirements of Section .0500 of this Chapter.
- (c) The owner or operator of any cotton gin exempted by this Rule from Section .0500 of this Chapter shall submit to the Director 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 the appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.
- (d) The owner or operator of any cotton gin exempted by this Rule from Section .0500 of this Chapter shall provide documentation of number of bales produced to the Director upon request. The owner or operator of a cotton gin exempted by this Rule from Section .0500 of this Chapter 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.

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

*WNCRAQA History Note: Adopted Eff. May 8, 2000.
Amended Eff. July 12, 2004; April 9, 2001.*

.0807 EMERGENCY GENERATORS

- (a) This Rule applies to facilities whose only sources requiring a permit is one or more emergency generators or emergency use internal combustion engines and associated fuel storage tanks.
- (b) For the purposes of this Rule:
- (1) "Emergency generator" means a stationary 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 when

necessary to protect the environment. An emergency generator may be operated periodically to ensure that it will operate;

- (2) "Emergency use internal combustion engines" means stationary internal combustion engines used to drive pumps, aerators, and other equipment 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 when 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 for emergency generators and emergency use internal combustion engines shall be determined using actual fuel consumption.

(d) Any facility whose emergency generators and emergency use internal combustion engines 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 liquified petroleum gas for liquified petroleum gas-powered generators, and
- (4) 50,800 gallons per year of gasoline for gasoline-powered generators,

shall be exempted from the requirements of Section .0500 of this Chapter.

(e) The owner or operator of any emergency generator or emergency use internal combustion engine exempted by this Rule from Section .0500 of this Chapter shall submit to the Director 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 appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.

(f) The owner or operator of any facility exempted by this Rule from Section .0500 of this Chapter 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 Section .0500 of this Chapter 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.

NCDQA History Note:

*Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. August 1, 1995.*

Amended Eff. April 1, 2001; July 1, 1998.

WNCRAQA History Note: Adopted Eff. May 8, 2000.

Adopted Eff. April 9, 2001.

.0808 PEAK SHAVING GENERATORS

(a) This Rule applies to facilities whose only sources requiring a permit is one or more peak shaving generators and their associated fuel storage tanks.

(b) For the purpose of this Rule, potential emissions shall be determined using actual total fuel consumption.

(c) Any facility whose total fuel consumption by one or more peak shaving generators shall be exempted from the requirements of Section .0500 of this Chapter if the facility uses:

- (1) natural gas burning turbine driven generators that combust less than or equal to 5,625,000 therms per year;
- (2) distillate oil burning turbine driven generators that combust less than or equal to 1,496,000 gallons per year;
- (3) combined fuel (natural gas and six percent or more distillate oil) burning engine generators that combust less than or equal to 633,320 therms natural gas and 24,330 gallons distillate oil per year; or
- (4) distillate oil burning engine driven generators that combust less than or equal to 410,580 gallons per year.

(d) The owner or operator of any peak shaving generator exempted by this Rule from Section .0500 of this Chapter shall submit to the Director by March 1 of each year a report containing the following information:

- (1) the name and location of the facility;
- (2) the number and size of all peak shaving generators located at the facility;
- (3) the total number of hours of operation of all peak shaving generators located at the facility;
- (4) the actual total amount of energy production per year from all peak shaving generators located at the facility; and
- (5) the signature of the appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.

(e) The owner or operator of any facility exempted by this Rule from Section .0500 of this Chapter shall provide documentation of number, size, number of hours of operation, and amount and type of fuel burned per calendar year from all peak shaving generators located at the facility to the Director upon request. The owner or operator of a facility exempted by this Rule from Section .0500 of this Chapter shall retain records to document the amount of total energy production per year for the previous three years.

(f) For facilities covered by this Rule, the owner or operator shall report to the Director if the total fuel combusted by all peak shaving generators located at the facility exceeds the applicable fuel limit in Paragraph (c) of this Rule within one week of its occurrence that the facility has exceeded the fuel consumption in Paragraph (c) of this Rule.

NCDAQ History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108; Eff. July 1, 1999. Amended Eff. December 1, 2005; April 1, 2001.

WNCRAQA History Note: Adopted Eff. May 8, 2000. Amended Eff. March 13, 2006; April 9, 2001.

.0809 CONCRETE BATCH PLANTS

(a) This Rule applies to concrete batch plants that use fabric filters or equivalently effective control devices to control particulate emissions from the storage silos and the weigh hopper that receives materials from the cement and cement supplemental (mineral admixture) silos.

(b) For the purpose of this Rule, potential emissions shall be determined using actual cubic yards of wet concrete produced.

(c) Any concrete batch plant that produces less than 1,210,000 cubic yards of wet concrete per year shall be exempted from the requirements of Section .0500 of this Subchapter.

(d) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Chapter shall submit to the Director by March 1 of each year a report containing the following information:

- (1) name and location of the concrete batch plant;
- (2) current air permit number;
- (3) number of cubic yards of wet concrete produced during the previous calendar year; and
- (4) signature of the appropriate official as identified in Rule .0304(j) of this Subchapter certifying as to the truth and accuracy of the report

(e) The owner or operator of any concrete batch plant exempted by this Rule from Section .0500 of this Subchapter shall provide documentation of the cubic yards of wet concrete produced to the Director upon request. The owner or operator of a concrete batch plant exempted by this Rule from Section .0500 of this Subchapter shall retain records to document the cubic yards of wet concrete produced per year for the previous three years.

(f) For concrete batch plants 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.

NCDQA History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. May 1, 2004.

WNCRAQA History Note: Adopted Eff. July 12, 2004.

.0810 AIR CURTAIN BURNERS

(a) This Rule applies to facilities whose only sources requiring a permit is one or more air curtain burners.

(b) Any facility whose air curtain burners combust less than 8,100 tons of land clearing debris per year shall be exempted from the requirements of Section .0500 of this Chapter.

(c) The owner or operator of any air curtain burner exempted by this Rule from Section .0500 of this Chapter shall submit to the Director by March 1 of each year a report containing the following information:

- (1) the name and location of the facility;
- (2) the quantity of material combusted during the previous calendar year; and
- (3) the signature of the appropriate official as identified in Rule .0304(j) of this Chapter certifying as to the truth and accuracy of the report.

(d) The owner or operator of any facility exempted by this Rule from Section .0500 of this Chapter shall provide documentation of the quantity of material combusted to the Director upon request. The owner or operator of a facility exempted by this Rule from Section .0500 of this Chapter shall retain records to document the amount of material combusted per year for the previous three years.

(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.

NCDQA History Note: Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108;
Eff. December 1, 2005.

WNCRAQA History Note: Adopted Eff. March 13, 2006.