

SUBCHAPTER 02D - AIR POLLUTION CONTROL REQUIREMENTS
SECTION .0100 - DEFINITIONS AND REFERENCES

.0101 DEFINITIONS

The definition of any word or phrase used in Regulations of this Subchapter is the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. The following words and phrases which are not defined in the Article, have the following meaning:

- (1) "Act" means Article 21, G.S. 143, entitled "Water and Air Resources."
- (2) "Administrator" means when it appears in any Code of Federal Regulation incorporated by reference in this Subchapter, the Director of the Division of Air Quality unless:
 - (a) a specific rule in this Subchapter specifies otherwise; or
 - (b) the U.S. Environmental Protection Agency in a delegation or approval, specifically states that a specific authority of the Administrator of the Environmental Protection Agency is not included in such a delegation or approval.
- (3) "Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, or radiative substance or matter emitted into or otherwise enters the ambient air.
- (4) "Ambient air" means that portion of the atmosphere outside buildings or other enclosed structures, stacks, or ducts and that surrounds human, animal, or plant life or property.
- (5) "Approved" means approved by the Director of the Division of Air Quality.
- (6) "Capture System" means the equipment including hoods, ducts, fans used to contain capture, or transport a pollutant to a control device.
- (7) "CFR" means Code of Federal Regulations.
- (8) "Combustible material" means any substance that, when ignited, will burn in air.
- (9) "Construction" means change in method of operation, or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change of emissions or affects the compliance of a facility.
- (10) "Control device" means equipment, including fume incinerator, adsorber, absorber, scrubber, filter media, cyclone, and electrostatic precipitator, used to destroy or remove an air pollutant before discharge to the ambient air.
- (11) "Day" means a 24-hour period beginning at midnight.
- (12) "Director" means the Director of the Division of Air Quality unless otherwise specified.
- (13) "Division" means Division of Air Quality.
- (14) "Dustfall" means particulate matter that settles out of the air. Dustfall shall be expressed in units of grams per square meter per 30-day period.
- (15) "Emission" means the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.
- (16) "Facility" means all of the pollutant emitting activities, except transportation facilities as defined under Rule .0802 of this Subchapter, that are located on one or more adjacent properties under common control.
- (17) "FR" means Federal Register.
- (18) "Fugitive emission" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (19) "Fuel Burning Equipment" means equipment whose primary purpose is the production of energy

or power from the combustion of any fuel. Uses of equipment include heating water, generating or circulating steam, heating air as in a warm air furnace furnishing process heat by transferring energy by fluids or through process vessel walls.

- (20) "Garbage" means any animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.
- (21) "Incinerator" means a device designed to burn solid, liquid, or gaseous waste material.
- (22) "Opacity" means that property of a substance tending to obscure vision and is measured as percent obscuration.
- (23) "Open Burning" means any fire whose products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney, approved incinerator, or other similar device.
- (24) "Owner or operator" means a person who owns, leases, or operates, controls, or supervises a facility, source, or air pollution control equipment.
- (25) "Particulate matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions.
- (26) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by methods specified in this Subchapter.
- (27) "Permitted" means any source subject to a permit under this Subchapter or 15 NCAC 02Q.
- (28) "Person" as defined in N.C.G.S. 143-212 includes any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or its legal representative, agent or assigns.
- (29) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by methods specified in this Subchapter.
- (30) "PM10 Emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by methods specified in this subchapter.
- (31) "PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by methods specified in this Subchapter.
- (32) "Refuse" means any garbage, rubbish, or trade waste.
- (33) "Rubbish" means solid or liquid wastes from residences, commercial establishments, or institutions.
- (34) "Rural Area" means an area that is primarily devoted to, but not necessarily limited to, the following uses: agriculture, recreation, wildlife management, state park, or any area of natural cover.
- (35) "Salvage Operation" means any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, motor vehicles, shipping containers, or drums.
- (36) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, or other burned or unburned residue of combustible materials that form a visible plume.
- (37) "Source" means any stationary article, machine, process equipment, or other contrivance, singly or in combination, or any tank-truck, trailer or railroad tank car, from which air pollutants emanate or are emitted, either directly or indirectly.
- (38) "Sulfur Oxides" means sulfur dioxide, sulfur trioxide, their acids and the salts of their acids.
- (39) "Transportation Facility" means a complex source as defined in G.S. 143-213(22).

- (40) "Total suspended particulate" means any finely divided solid or liquid material, except water in uncombined form, that is or has been airborne, as measured by methods specified in this Subchapter.
- (41) "Trade Wastes" means all solid, liquid, or gaseous waste materials or rubbish resulting from combustion, salvage operations, building operations, or the operation of any business, trade, or industry including plastic products, paper, wood, glass metal, oil and chemicals.
- (42) "ug" or "µg" means micrograms

History Note: Authority G.S. 143-213; 143-215.3(a) (1);
 Eff. February 1, 1976;
 Amended Eff. January 1, 2015; December 1, 2005; June 1, 2004; July 1, 1998;
 July 1, 1996; July 1, 1994; December 1, 1989; July 1, 1988.
 Readopted Eff. January 1, 2018.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Jan 27, 1972	May 31, 1972	37 FR 10884
1 st Revision	Mar 31, 1976	Jun 03, 1986	51 FR 19834
2 nd Revision	Nov 01, 1976	Apr 18, 1977	42 FR 20132
3 rd Revision	Apr 17, 1984	Oct 11, 1985	50 FR 41501
4 th Revision	May 02, 1988	Jan 16, 1990	55 FR 1419
5 th Revision	Sep 21, 1989	June 23, 1994	59 FR 32397
6 th Revision	July 29, 1998	Nov 10, 1999	64 FR 61213
7 th Revision	Oct 14, 2004	Jul 18, 2017	82 FR 32767
8 th Revision	Mar 24, 2006	Jul 18, 2017	82 FR 32767
9 th Revision	Apr. 4, 2018	Apr. 10, 2019	84 FR 14308
10 th Revision	Sep. 16, 2016	Jul. 17, 2020	85 FR 43461

.0103 COPIES OF REFERENCED FEDERAL REGULATIONS

(a) Copies of the applicable Code of Federal Regulations section referred to in this Subchapter are available for public inspection at the Department of Environmental Quality regional offices. They are:

- (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;
- (2) Winston-Salem Regional Office, 450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105;
- (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville NC 28115;
- (4) Raleigh Regional Office, 3800 Barrett Drive, P.O. Box 27687, Raleigh, NC 27609;
- (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, NC 28301;
- (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889;
and
- (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, NC 28403;

(b) Copies of such regulations may be obtained free of charge online at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

History Note: Authority G.S. 143-215.3; 150B-21.6;
Eff. December 1, 1976;
Amended Eff. December 1, 2005; December 1, 1992; August 1, 1991;
July 1, 1988; July 1, 1987; July 1, 1984; June 1, 1980; November 1, 1978.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. January 5, 2016;
Amended Eff. January 1, 2018.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Nov 01, 1976	Apr 18, 1977	42 FR 20133
1 st Revision	May 02, 1980	April 13, 1981	46 FR 21599
2 nd Revision	April 17, 1984	Oct 11, 1985	50 FR 41501
3 rd Revision	April 14, 1987	Feb 29, 1988	53 FR 5974
4 th Revision	May 02, 1988	Dec 12, 1988	53 FR 49881
5 th Revision	Mar 03, 1993	Aug 15, 1994	59 FR 41708
6 th Revision	Mar 24, 2006	Jul 18, 2017	82 FR 32767
7 th Revision	Apr. 4, 2018	Apr. 10, 2019	84 FR 14308

.0104 INCORPORATION BY REFERENCE

(a) If referred to in this September, the following materials shall be incorporated in this Subchapter by reference.

(1) a regulation codified in the Code of Federal Regulations (CFR); and

(2) a method established by the American Society for Testing and Materials (ASTM).

(b) The Code of Federal Regulation incorporated by reference in this Subchapter shall include and editions unless a rule specifies otherwise.

(c) The Code of Federal Regulations is available in electronic form free of charge at

<https://www.gpo.gov/fdsys/search/home.action>.

(d) The American Society for Testing and Materials methods may be purchased from <https://www.astm.org/>. Purchase price varies according to the particular test method and format chosen, and the cost of materials are set forth at <https://www.astm.org/>.

History Note: Authority G.S. 150B-21.6;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; May 1, 1995; December 1, 1992; October 1, 1989.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5, 2016;
Amended Eff. January 1, 2018.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Jul 14, 1989	Jan 16, 1990	55 FR 1419
1 st Revision	Mar 03, 1993	Aug 15, 1994	59 FR 41740
2 nd Revision	Jul 29, 1998	Nov 10, 1999	64 FR 61213
3 rd Revision	Apr. 4, 2018	Apr. 10, 2019	84 FR 14308

.0105 MAILING LIST

(a) The Division shall develop and maintain a mailing list of persons who have requested notification of rule-making as required by 150B 21.2(d). Such persons shall receive a copy of the complete notice as filed with the Office of Administrative Hearings.

(b) Any person requesting to be on a mailing list established under Paragraph (a) of this Rule shall submit a written request to the Division of Air Quality 1641 Mail Service Center, Raleigh, North Carolina, 27699-1641. Payment of fees required under this Section may be by check or money order for thirty dollars (\$30.00) made payable to the Department of Environmental Quality. Payment shall be submitted with each request and received by June 1, of each year. The fee covers from July 1, to June 30 of the following year. A person requesting to be on the list for notification of rule-making may opt to receive notification via email free of charge by contacting Division staff as shown at <https://deq.nc.gov/about/divisions/air-quality/air-qualityplanning>.

History Note: Authority G. S. 143-215.3(a)(1); 150B-21.2(d)
Eff. April 1, 1995;
Amended Eff. July 1, 2002; July 1, 1998.
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. January 5, 2016;
Amended Eff. January 1, 2018.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	July 29, 1998	Nov 10, 1999	64 FR 61213
1 st Revision	Apr 04, 2003	Sept 17, 2003	68 FR 54362
2 nd Revision	Apr. 4, 2018	Apr. 10, 2019	84 FR 14308