

Article 2.0000 Air Pollution Control Regulations and Procedures

Section 2.0500 Emission Control Standards

Section 2.0501 Compliance with Emission Control Standards

(a) Purpose and Scope. The purpose of this Regulation is to assure orderly compliance with emission control standards found in this Section. This Regulation shall apply to all air pollution sources, both combustion and non-combustion.

(b) All new sources shall be in compliance prior to beginning operations.

(c) In addition to any control or manner of operation necessary to meet emission standards in this Section, any source of air pollution shall be operated with such control or in such manner that the source shall not cause the ambient air quality standards of MCAPCO Section 2.0400 - "Ambient Air Quality Standards" to be exceeded at any point beyond the premises on which the source is located. When controls more stringent than named in the applicable emission standards in this Section are required to prevent violation of the ambient air quality standards or are required to create an offset, the permit shall contain a condition requiring these controls.

(c) Testing to determine compliance shall be in accordance with the following procedures, except as may be otherwise required in MCAPCO Regulations 2.0524 - "New Source Performance Standards", 2.0606 - "Sources Covered by Appendix P of 40 CFR Part 51", 2.1110 - "National Emission Standards for Hazardous Air Pollutants", or 2.1111 - "Maximum Achievable Control Technology".

(3) Sampling procedures for determining compliance with particulate emission control standards shall be in accordance with Method 5 of Appendix A of 40 CFR Part 60. Method 17 of Appendix A of 40 CFR Part 60 may be used instead of Method 5 provided that the stack gas temperature does not exceed 320° F. The minimum time per test point for particulate testing shall be two minutes and the minimum time per test run shall be one hour. The sample gas drawn during each test run shall be at least 30 cubic feet. A number of sources are known to emit organic material (oil, pitch, plasticizers, etc.) which exist as finely divided liquid droplets at ambient conditions. These materials cannot be satisfactorily collected by means of the above Method 5. In these cases the Director may require the use of Method 5 as proposed on August 17, 1971, in the Federal Register, Volume 36, Number 159.

(4) The procedures for determining compliance with sulfur dioxide emission control standards for fuel burning sources may be either by determining sulfur content with fuel analysis or by stack sampling. Combustion sources choosing to demonstrate compliance through stack sampling shall follow procedures described in Method 6 of Appendix A of 40 CFR Part 60. When Method 6 of Appendix A of 40 CFR Part 60 is used to determine compliance, compliance shall be determined by averaging six 20-minute samples taken over such a period of time that no more than 20 minutes elapses between any two consecutive samples.

If a source chooses to demonstrate compliance by analysis of sulfur in fuel, sampling, preparation, and analysis of fuels shall be in accordance with the following American Society of Testing and Materials (ASTM) methods:

(A) coal:

- (i) Sampling.
 - (I) Sampling Location. A source shall collect the coal from a location in the handling or processing system that provides a sample representative of the fuel bunkered or burned during a boiler operating day. For the purpose of this method, a fuel lot size is defined as the weight of coal bunkered or consumed during each boiler operating day. For reporting and calculation purposes, the gross sample shall be identified with the calendar day on which sampling began. The Director may approve alternate definitions of fuel sizes if the alternative will provide a more representative sample.
 - (II) Sample Increment Collection. A source shall use a coal sampling procedure that meets the requirements of ASTM D 2234 Type I, condition A, B, C and systematic spacing for collection of sample increments. All requirements and restrictions regarding increment distribution and sampling device constraints shall be observed.
 - (III) Gross Samples. A source shall use ASTM D 2234, 7.1.2, Table 2 except as provided in 7.1.5.2 to determine the number and weight of increments (composite or gross samples).
- (ii) Preparation. A source shall use ASTM D 2013 for sample preparation from a composite or gross sample.
- (iii) Gross Caloric Value (GCV). A source shall use ASTM D 2015 or D 3286 to determine GCV on a dry basis from a composite or gross sample.
- (iv) Moisture Content. A source shall use ASTM D 3173 to determine moisture from a composite or gross sample.
- (v) Sulfur Content. A source shall use ASTM D 3177 or D 4239 to determine the percent sulfur on a dry basis from a composite or gross sample.

(B) oil:

- (i) Sampling. A sample shall be collected at the pipeline inlet to the fuel burning unit after sufficient fuel has been drained from the line to remove all fuel that may have been standing in the line;
- (ii) Heat of Combustion (Btu). ASTM Method D 240 or D 2015;
- (iii) Sulfur Content. ASTM Method D 129 or D 1552.

The sulfur content and Btu content of the fuel shall be reported on a dry basis. When the test methods described in Parts (A) or (B) of this Subparagraph are used to demonstrate that the ambient air quality standards for sulfur dioxide are being protected, the sulfur content shall be determined at least once per year from a composite of at least three or 24 samples taken at equal time intervals from the fuel being burned over a three-hour or 24-hour period, respectively, whichever is the time period for which the ambient standard is most likely to be exceeded; this requirement shall not apply to sources that are only using fuel analysis in place of continuous monitoring to meet the requirements of MCAPCO Section 2.0600 -

“Monitoring: Recordkeeping: Reporting”.

- (5) Sulfuric acid manufacturing plants and spodumene ore roasting plants shall demonstrate compliance with MCAPCO Regulations 2.0517 - “Emissions From Plants Producing Sulfuric Acid” and 2.0527- “Emissions From Spodumene Ore Roasting”, respectively, by using Method 8 of Appendix A of 40 CFR Part 60. Compliance shall be determined by averaging emissions measured by three one-hour tests.
- (6) All industrial processes not covered under Subparagraph (5) of this Paragraph emitting sulfur dioxide shall demonstrate compliance by sampling procedures described in Method 6 of Appendix A of 40 CFR Part 60. Compliance shall be determined by averaging six 20-minute samples taken over such a period of time that no more than 20 minutes elapses between any two consecutive samples.
- (10) Emissions of total reduced sulfur shall be measured by the test procedure described in Method 16 of Appendix A of 40 CFR Part 60 or Method 16A of Appendix A of 40 CFR Part 60.
- (15) Emission rates for wood or fuel burning sources which are expressed in units of pounds per million Btu shall be determined by the “Oxygen Based F Factor Procedure” described in 40 CFR Part 60, Appendix A, Method 19, Section 5. Other procedures described in Method 19 may be used if appropriate. To provide data of sufficient accuracy to use with the F-factor methods, an integrated (bag) sample shall be taken for the duration of each test run. In the case of simultaneous testing of multiple ducts, there shall be a separate bag for each sampling train. The bag sample shall be analyzed with an Orsat analyzer in accordance with Method 3 of Appendix A of 40 CFR Part 60. (The number of analyses and the tolerance between analyses are specified in Method 3.) The specifications indicated in Method 3 for the construction and operation of the bag sampling apparatus shall be followed.
- (16) Particulate testing on steam generators that utilize soot blowing as a routine means for cleaning heat transfer surfaces shall be conducted so that the contribution of the soot blowing is represented as follows:
 - (A) If the soot blowing periods are expected to represent less than 50 percent of the total particulate emissions, one of the test runs shall include a soot blowing cycle.
 - (B) If the soot blowing periods are expected to represent more than 50 percent of the total particulate emissions, then two of the test runs shall each include a soot blowing cycle.

Under no circumstances shall all three test runs include soot blowing. The average emission rate of particulate matter is calculated by the equation:

$$E_{AVG} = E_S S \frac{(A+B)}{AR} + E_N \left(\frac{R-S}{R} - \frac{BS}{AR} \right)$$

E_{AVG} = the average emission rate in pounds per million Btu for daily operating time
 E_S = the average emission rate in pounds per million Btu of sample(s)

- containing soot blowing
- E_N = the average emission rate in pounds per million Btu of sample(s) with no soot blowing
- A = hours of soot blowing during sample(s)
- B = hours without soot blowing during sample(s) containing sootblowing
- R = average hours of operation per 24 hours
- S = average hours of soot blowing per 24 hours

If large changes in boiler load or stack flow rate occur during soot blowing, other methods of prorating the emission rate may be considered more appropriate; for these tests the Director or his designee may approve an alternate method of prorating.

- (18) Upon prior approval by the Director or his delegate, test procedures different from those described in this Regulation may be used if they will provide equivalent or more reliable results. Furthermore, the Director or his delegate may prescribe alternate test procedures on an individual basis when he considers that the action is necessary to secure reliable test data. In the case of sources for which no test method is named, the Director or his delegate may prescribe or approve methods on an individual basis.

(d) The Bubble Concept. A facility with multiple emission sources or multiple facilities within the same area may choose to meet the total emission limitation for a given pollutant through a different mix of controls than that required by the Regulations in this Section or MCAPCO Section 2.0900 - "Volatile Organic Compounds".

- (1) In order for this mix of alternative controls to be permitted the Director shall determine that the following conditions are met:
- (A) Sources to which MCAPCO Regulations 2.0524 - "New Source Performance Standards", 2.0530 - "Prevention of Significant Deterioration", 2.0531 - "Sources in Nonattainment Areas", 2.1110 - "National Emission Standards for Hazardous Air Pollutants" or 2.1111 - "Maximum Achievable Control Technology", the federal New Source Performance Standards (NSPS), the federal National Emission Standards for Hazardous Air Pollutants (NESHAPS), regulations established pursuant to Section 111(d) of the federal Clean Air Act, or state or federal Prevention of Significant Deterioration (PSD) requirements apply, shall have emissions no larger than if there were not an alternative mix of controls;
 - (B) The facility (or facilities) is located in an attainment area or an unclassified area or in an area that has been demonstrated to be attainment by the statutory deadlines (with reasonable further progress toward attainment) for those pollutants being considered;
 - (C) All of the emission sources affected by the alternative mix are in compliance with applicable regulations or are in compliance with established compliance agreements; and
 - (D) The review of an application for the proposed mix of alternative controls and the enforcement of any resulting permit will not require expenditures on the part of Mecklenburg County in excess of five times that which would otherwise be required.

- (2) The owner(s) or operator(s) of the facility (facilities) shall demonstrate to the satisfaction of the Director that the alternative mix of controls is equivalent in total allowed emissions, reliability, enforceability, and environmental impact to the aggregate of the otherwise applicable individual emission standards; and
- (A) that the alternative mix approach does not interfere with attainment and maintenance of ambient air quality standards and does not interfere with the PSD program; this demonstration shall include modeled calculations of the amount, if any, of PSD increment consumed or created;
 - (B) that the alternative mix approach conforms with reasonable further progress requirements in any nonattainment area;
 - (C) that the emissions under the alternative mix approach are in fact quantifiable, and trades among them are even;
 - (D) that the pollutants controlled under the alternative mix approach are of the same criteria pollutant categories, except that emissions of some criteria pollutants used in alternative emission control strategies are subject to the limitations as defined in 44 FR 71784 (December 11, 1979), Subdivision D.1.c.ii. The Federal Register referenced in this Part is hereby incorporated by reference and does not include subsequent amendments or editions.

The demonstrations of equivalence shall be performed with at least the same level of detail as The North Carolina State Implementation Plan for Air Quality (SIP) demonstration of attainment for the area in question. Moreover, if the facility involves another facility in the alternative strategy, it shall complete a modeling demonstration to ensure that air quality is protected. Demonstrations of equivalency shall also take into account differences in the level of reliability of the control measures or other uncertainties.

- (3) The emission rate limitations or control techniques of each source within the facility (facilities) subjected to the alternative mix of controls shall be specified in the facility's (facilities') permits(s).
- (4) Compliance schedules and enforcement actions shall not be affected because an application for an alternative mix of controls is being prepared or is being reviewed.
- (5) The Director may waive or reduce requirements in this Paragraph up to the extent allowed by the Emissions Trading Policy Statement published in the Federal Register of April 7, 1982, pages 15076-15086, provided that the analysis required by Paragraph (g) of this Regulation shall support any waiver or reduction of requirements. The Federal Register referenced in this Paragraph is hereby incorporated by reference and does not include subsequent amendments or editions.

If owner or operator of any combustion and non-combustion source or control equipment subject to the requirements of this Section is required to demonstrate compliance with a rule in this Section the source testing procedures of Section 2.2600 – “Source Testing” of this Article shall be used.

*History Note: Temporary Amendment 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)(5);*

*Eff. February 1, 1976;
Amended Eff. April 1, 2001: April 1, 1999; July 1, 1996; February 1, 1995; July
1, 1994; August 1, 1991; October 1, 1989.*

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Section 2.0502 Purpose

The purpose of the emission control standards set out in this Section is to establish maximum limits on the rate of emission of air contaminants into the atmosphere. All sources shall be provided with the maximum feasible control.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. June 1, 1981.*

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Section 2.0503 Particulates from Fuel Burning Indirect Heat Exchangers

(a) Emissions of particulate matter from the combustion of a fuel that are discharged from any stack or chimney into the atmosphere shall not exceed:

Maximum Heat Input In Million Btu/Hour	For Particulate Matter	Allowable Emission Limit In Lb/Million Btu
Up to and Including 10		0.60
100		0.33
1,000		0.18
10,000 and Greater		0.10

For a heat input between any two consecutive heat inputs stated in the preceding table, the allowable emissions of particulate matter shall be calculated by the equation:

$$E = 1.090 \text{ times } Q^{-0.2594}$$

- E = allowable emission limit for particulate matter in lb/million Btu,
- Q = maximum heat input in million Btu/hour.

(b) This Regulation applies to installations in which fuel is burned for the purpose of producing heat or power by indirect heat transfer. Fuels include those such as coal, coke, lignite, peat, natural gas, and fuel oils, but exclude wood and refuse not burned as a fuel. When any refuse, products, or by-products of a manufacturing process are burned as a fuel rather than refuse, or in conjunction with any fuel, this allowable emission limit shall apply.

(c) For the purpose of this Regulation, the maximum heat input shall be the total heat content of all fuels which are burned in a fuel burning indirect heat exchanger, the combustion products of which are emitted through a stack or stacks. The sum of maximum heat input of all fuel burning indirect heat exchangers at a plant site which are in operation, under construction, or permitted pursuant to MCAPCO Section 1.5200 - "Air Quality Permits" shall be considered as the total heat input for the purpose of determining the allowable emission limit for particulate matter for each fuel burning indirect heat exchanger. Fuel burning indirect heat exchangers constructed or permitted after February 1, 1983, shall not change the allowable emission limit of any fuel burning indirect heat exchanger whose allowable emission limit has previously been set. The removal of a fuel burning indirect heat exchanger shall not change the allowable emission limit of any fuel burning indirect heat exchanger whose allowable emission limit has previously been established. However, for any fuel burning indirect heat exchanger constructed after, or in conjunction with, the removal of another fuel burning indirect heat exchanger at the plant site, the maximum heat input of the removed fuel burning indirect heat exchanger shall no longer be considered in the determination of the allowable emission limit of any fuel burning indirect heat exchanger constructed after or in conjunction with the removal. For the purposes of this Paragraph, refuse not burned as a fuel and wood shall not be considered a fuel. For residential facilities or institutions (such as military and educational whose primary fuel burning capacity is

for comfort heat, only those fuel burning indirect heat exchangers located in the same power plant or building or otherwise physically interconnected (such as common flues, steam, or power distribution line) shall be used to determine the total heat input.

(d) The emission limit for fuel burning equipment that burns both wood and other fuels in combination, or for wood and other fuel burning equipment that is operated such that emissions are measured on a combined basis, shall be calculated by the equation:

$$E_c = [(E_w) (Q_w) + (E_o) (Q_o)] / Q_t.$$

- E_c = the emission limit for combination or combined emission source(s) in lb/million Btu.
- E_w = plant site emission limit for wood only as determined by MCAPCO Regulation 2.0504 - "Particulates from Wood Burning Indirect Heat Exchangers" in lb/million Btu.
- E_o = the plant site emission limit for other fuels only as determined by Paragraphs (a), (b) and (c) of this Regulation in lb/million Btu.
- Q_w = the actual wood heat input to the combination or combined emission source(s) in Btu/hr.
- Q_o = the actual other fuels heat input to the combination or combined emission source(s) in Btu/hr.
- Q_t = $Q_w + Q_o$ and is the actual total heat input to combination or combined emission source(s) in Btu/hr.

History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); Eff. February 1, 1976; Amended Eff. August 1, 1991; June 1, 1985; February 1, 1983.

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Section 2.0504 Particulates from Wood Burning Indirect Heat Exchangers

- (a) For the purpose of this Regulation the following definitions shall apply:
 - (1) **“Functionally dependent”** means that structures, buildings or equipment are interconnected through common process streams, supply lines, flues, or stacks.
 - (2) **“Indirect heat exchanger”** means any equipment used for the alteration of the temperature of one fluid by the use of another fluid in which the two fluids are separated by an impervious surface such that there is no mixing of the two fluids.
 - (3) **“Plant site”** means any single or collection of structures, buildings, facilities, equipment, installations, or operations which:
 - (A) are located on one or more adjacent properties,
 - (B) are under common legal control, and
 - (C) are functionally dependent in their operations.
- (b) The definition contained in Subparagraph (a)(3) of this Regulation does not affect the calculation of the allowable emission rate of any indirect heat exchanger permitted prior to April 1, 1999.
- (c) Emissions of particulate matter from the combustion of wood shall not exceed:

Maximum Heat Input In Million Btu/Hour	Allowable Emission Limit For Particulate Matter In Lb/Million Btu
Up to and Including 10	0.70
100	0.41
1,000	0.25
10,000 and Greater	0.15

For a heat input between any two consecutive heat inputs stated in the preceding table, the allowable emissions of particulate matter shall be calculated by the equation:

$$E = 1.1698 (Q \text{ to the } -0.2230 \text{ power})$$

E = allowable emission limit for particulate matter in lb/million Btu.
 Q = Maximum heat input in million Btu/hour.

- (d) This Regulation applies to installations in which wood is burned for the primary purpose of producing heat or power by indirect heat transfer.
- (e) For the purpose of this Regulation, the heat content of wood shall be 8,000 Btu per pound (dry-weight basis). The total of maximum heat inputs of all wood burning indirect heat exchangers at a plant site in operation, under construction, or with a permit shall be used to determine the allowable emission limit of a wood burning indirect heat exchanger. Wood burning indirect heat exchangers constructed or permitted after February 1, 1983, shall not change the allowable emission limit of any wood burning indirect heat exchanger whose allowable emission limit has previously been set.

(f) The emission limit for fuel burning equipment that burns both wood and other fuels in combination or for wood and other fuel burning equipment that is operated such that emissions are measured on a combination basis shall be calculated by the procedure described in Paragraph (f) of MCAPCO Regulation 2.0503 - "Particulates from Fuel Burning Indirect Heat Exchangers".

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. August 1, 2002; April 1, 1999; June 1, 1985;
February 1, 1983.*

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Section 2.0506 Control of Particulates from Hot Mix Asphalt Plants

(a) The allowable emission rate for particulate matter resulting from the operation of a hot mix asphalt plant shall not exceed the level calculated with the equation:

$$E = 4.9445(P)^{0.4376}$$

calculated to two significant figures, where:

E = the maximum allowable emission rate for particulate matter in pounds per hour;

P = the maximum process rate in tons per hour.

The allowable emission rate shall be 60.0 pounds per hour for process weights equal to or greater than 300 tons per hour.

(b) All hot mix asphalt plants shall be equipped with a fugitive process dust control system for the drying, conveying, classifying, and mixing equipment which shall be operated and maintained in such a manner as to reduce to a minimum the emission of particulate matter from any point other than the stack outlet. Emissions from this equipment shall be controlled such that the applicable opacity standards in MCAPCO Regulation 1.5107 - "Control and Prohibition of Visible Emissions" or MCAPCO Regulation 2.0524 - "New Source Performance Standards" are not exceeded.

(c) Fugitive non-process dust emissions shall be controlled by MCAPCO Regulation 2.0540 - "Particulates From Fugitive Non-Process Dust Emission Sources".

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
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Section 2.0507 Particulates from Chemical Fertilizer Manufacturing Plants

The allowable emissions rate for particulate matter from the manufacture, mixing, handling, or other operations in the production of chemical fertilizer materials that are discharged from any stack or chimney into the atmosphere shall not exceed the level calculated with the equation:

$$E = 9.377(P)^{0.3067}$$

calculated to three significant figures, where:

- E = the allowable emission rate for particulate matter in pounds per hour;
- P = the process rate (the sum of the production rate and the recycle rate) in tons per hour.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; January 1, 1985.*

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Section 2.0508 Control of Particulates from Pulp and Paper Mills

(a) Emissions of particulate matter from the production of pulp and paper that are discharged from any stack or chimney into the atmosphere shall not exceed:

- (1) 3.0 pounds per equivalent ton of air dried pulp from a recovery furnace stack;
- (2) 0.6 pounds per equivalent ton of air dried pulp from a dissolving tank vent; and
- (3) 0.5 pounds per equivalent ton of air dried pulp from a lime kiln stack.

(b) Emissions from any kraft pulp recovery boiler established after July 1, 1971, shall not exceed an opacity of 35 percent when averaged over a six-minute period. However, six-minute averaging periods may exceed 35 percent opacity if:

- (1) no six-minute period exceeds 89 percent opacity;
- (2) no more than one six-minute period exceeds 35 percent opacity in any one hour; and
- (3) no more than four six-minute periods exceed 35 percent opacity in any 24-hour period.

Where the presence of uncombined water vapor is the only reason for failure to meet this opacity limitation, this opacity limitation shall not apply.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; August 1, 1987; April 1, 1986,
January 1, 1985; May 30, 1978.*

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Section 2.0509 Particulates from Mica or Feldspar Processing Plants

(a) The allowable emission rate for particulate matter from the processing of mica or feldspar that are discharged from any chimney, stack, vent, or outlet into the atmosphere shall not exceed the level calculated with the equation:

$$E = 4(P)^{0.677}$$

calculated to three significant figures for process rates less than or equal to 30 tons per hour.

For process rates greater than 30 tons per hour but less than 1,000 tons per hour, the allowable emission rate for particulate matter shall not exceed the level calculated with the equation:

$$E = 20.421(P)^{0.1977}$$

calculated to three significant figures.

For process rates greater than or equal to 1,000 tons per hour but less than 3,000 tons per hour, the allowable emission rate for particulate matter shall not exceed the level calculated with the equation:

$$E = 38.147(P)^{0.1072}$$

calculated to three significant figures.

The allowable emission rate shall be 90.0 pounds per hour for process weight rates equal to or greater than 3,000 tons per hour.

For the purpose of these equations:

- E = allowable emission rate for particulate matter in pounds per hour,
- P = actual process weight rate in tons per hour.

(b) Fugitive non-process dust emissions shall be controlled by MCAPCO Regulation 2.0540 - "Particulates From Fugitive Non-Process Dust Emission Sources".

(c) The owner or operator of any mica or feldspar plant shall control process-generated emissions:

- (1) from crushers with wet suppression, and
- (2) from conveyors, screens, and transfer points,

such that the applicable opacity standards in MCAPCO Regulation 1.5107 - "Control and Prohibition of Visible Emissions" or MCAPCO Regulation 2.0524 - "New Source Performance Standards" are not exceeded.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; April 1, 1986; January 1, 1985.

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Section 2.0510 Particulates: Sand: Gravel: Crushed Stone Operations

(a) The owner or operator of a sand, gravel, or crushed stone operation shall not cause, allow, or permit any material to be produced, handled, transported or stockpiled without taking measures to reduce to a minimum any particulate matter from becoming airborne to prevent exceeding the ambient air quality standards beyond the property line for particulate matter, both PM-10 and total suspended particulates.

(b) Fugitive non-process dust emissions from sand, gravel, or crushed stone operations shall be controlled by MCAPCO Regulation 2.0540 - "Particulates From Fugitive Non-Process Dust Emission Sources".

(c) The owner or operator of any sand, gravel, or crushed stone operation shall control process-generated emissions:

- (1) from crushers with wet suppression, and
- (2) from conveyors, screens, and transfer points,

such that the applicable opacity standards in MCAPCO Regulation 1.5107 - "Control and Prohibition of Visible Emissions" or MCAPCO Regulation 2.0524 - "New Source Performance Standards" are not exceeded.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
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Section 2.0511 Particulates: SO(2) from Lightweight Aggregate Processes

- (a) The owner or operator of a lightweight aggregate process shall not cause, allow, or permit any material to be produced, handled, transported or stockpiled without taking measures to reduce to a minimum any particulate matter from becoming airborne to prevent the ambient air quality standards for particulate matter, both PM-10 and total suspended particulates, from being exceeded beyond the property line.
- (b) Fugitive non-process dust emissions from lightweight aggregate processes subject to this Regulation shall be controlled by MCAPCO Regulation 2.0540 - “Particulates From Fugitive Non-Process Dust Emission Sources”.
- (c) The owner or operator of any lightweight aggregate process shall control process-generated emissions:
 - (1) from crushers with wet suppression, and
 - (2) from conveyors, screens, and transfer points,such that the applicable opacity standards in MCAPCO Regulation 1.5107 - “Control and Prohibition of Visible Emissions” or MCAPCO Regulation 2.0524 - “New Source Performance Standards”.
- (d) Particulate matter from any stack serving any lightweight aggregate kiln or lightweight aggregate dryer shall be reduced by at least 95 percent by weight before being discharged to the atmosphere. The 95-percent reduction shall be by air pollution control devices.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; October 1, 1989; January 1,
1985; April 1, 1977.*

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Section 2.0512 Particulates from Wood Products Finishing Plants

A person shall not cause, allow, or permit particulate matter caused by the working, sanding, or finishing of wood to be discharged from any stack, vent, or building into the atmosphere without providing, as a minimum for its collection, adequate duct work and properly designed collectors, or such other devices as approved by the Director, and in no case shall the ambient air quality standards be exceeded beyond the property line. Collection efficiency shall be determined on the basis of weight.

History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); Eff. February 1, 1976; Amended Eff. January 1, 1985.

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Section 2.0513 Control of Particulates from Portland Cement Plants

- (a) Particulate matter from any Portland cement kiln shall:
 - (1) be reduced by at least 99.7 percent by weight before being discharged to the atmosphere; the 99.7-percent reduction shall be by air pollution control devices; and
 - (2) not exceed 0.327 pounds per barrel.

- (b) The emissions of particulate matter from any stacks, vent or outlets from all processes except Portland cement kilns shall be controlled by MCAPCO Regulation 2.0515 - "Particulates From Miscellaneous Industrial Processes".

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; January 1, 1985.*

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Section 2.0514 Control of Particulates from Ferrous Jobbing Foundries

Particulate emissions from any ferrous jobbing foundry cupola existing before January 2, 1972 shall not exceed:

Maximum Allowable Process Weight Lb/Hr	Emission Rate For Particulate Lb/Hr
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.65
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10

Any foundry existing before January 2, 1972, having a capacity greater than shown in the table and any new foundry, regardless of size, shall comply with the particulate emission limits specified in MCAPCO Regulation 2.0515 - "Particulates From Miscellaneous Industrial Processes" Paragraph (a).

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; April 1, 1986; January 1, 1985.*

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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Section 2.0515 Particulates from Miscellaneous Industrial Processes

(a) The allowable emission rates for particulate matter from any stack, vent, or outlet of any industrial process for which no other emission control standards are applicable shall not exceed the level calculated with the equation:

$$E = 4.10(P)^{0.67}$$

calculated to three significant figures for process weight rates less than or equal to 60,000 pounds per hour.

For process weight rates greater than 60,000 pounds per hour, the allowable emission rates for particulate matter shall not exceed the level calculated with the equation:

$$E = 55.0(P)^{0.11} - 40$$

calculated to three significant figures.

For the purpose of these equations:

- E = allowable emission rate for particulate matter in pounds per hour,
- P = process weight rate in tons per hour.

(b) Process weight per hour means the total weight of all materials introduced into any specific process that may cause any emission of particulate matter. Solid fuels charged are considered as part of the process weight, but liquid and gaseous fuels and combustion air are not. For a cyclical or batch operation, the process weight per hour is derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour is derived by dividing the process weight for a typical period of time by the number of hours in that typical period of time.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1998; January 1, 1985.*

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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Section 2.0516 Sulfur Dioxide Emissions from Fuel Burning Installations

(a) Emission of sulfur dioxide from any source of combustion that is discharged from any vent, stack, or chimney shall not exceed 2.3 pounds of sulfur dioxide per million Btu input. Sulfur dioxide formed by the combustion of sulfur in fuels, wastes, ores, and other substances shall be included when determining compliance with this standard. Sulfur dioxide formed or reduced as a result of treating flue gases with sulfur trioxide or other materials shall also be accounted for when determining compliance with this standard.

(b) A source subject to an emission standard for sulfur dioxide in MCAPCO Regulations 2.0524 - “New Source Performance Standards”, 2.0527 - “Emissions from Spodumene Ore Roasting”, 2.1110 - “National Emission Standards for Hazardous Air Pollutants” or 2.1111 - “Maximum Achievable Control Technology” shall meet that standard.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a) (5);
Eff. February 1, 1976;
Amended Eff. 1, 1996, October 1, 1989; January 1, 1985.*

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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Section 2.0517 Emissions from Plants Producing Sulfuric Acid

Emissions of sulfur dioxide or sulfuric acid mist from the manufacture of sulfuric acid shall not exceed:

- (1) 27 pounds of sulfur dioxide per ton of sulfuric acid produced;

*History Note: Statutory Authority G.S. 143-215.3 (a) (1); 143-215.107 (a) (5);
Eff. February 1, 1976;
Amended Eff. January 1, 1985.*

	Date Submitted to EPA	Date Approved by EPA	Federal Register
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Section 2.0518 Miscellaneous Volatile Organic Compound Emissions

(a) This Regulation shall be applicable to all sources of volatile organic compound emissions for which no other volatile organic compound emission control standards are applicable, including those standards found in Section 2.0900 of this Article as well as Regulations 2.0524 and 2.0525 of this Section.

(b) A person shall not place, store or hold in any stationary tank, reservoir, or other container with a capacity greater than 50,000 gallons, any liquid compound containing carbon and hydrogen or carbon and hydrogen in combination with any other element which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions unless such a tank, reservoir, or other container:

(1) is a pressure tank, capable of maintaining working pressures sufficient at all times to prevent vapor gas loss into the atmosphere; or

(2) is designed and equipped with one of the following vapor loss control devices:

(A) a floating pontoon, double deck type floating roof or internal pan type floating roof equipped with closure seals to enclose any space between the cover's edge and compartment wall; this control equipment shall not be permitted if the compound is a photochemically reactive material having a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions; all tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place;

(B) a vapor recovery system or other equipment or means of air pollution control as approved by the Director which reduces the emission of organic materials into the atmosphere by at least 90 percent by weight; all tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(c) A person shall not load in any one day more than 20,000 gallons of any volatile organic compound into any tank-truck, trailer, or railroad tank from any loading facility unless the loading uses submerged loading through boom loaders that extend down into the compartment being loaded or by other methods demonstrated to the Director to be least as efficient.

(d) A person shall not discharge from all sources at any one plant site more than a total of 40 pounds of photochemically reactive solvent into the atmosphere in any one day, from any article, machine, equipment or other contrivances used for employing, applying, evaporating or drying any photochemically reactive solvent or substance or substance containing such solvent unless the discharge has been reduced by least 85 percent by weight. Photochemically reactive solvents include any solvent with an aggregate of more than 20 percent of its volume composed of the chemical compounds classified in this Paragraph, or which exceed any of the following percentage composition limitations, referred to the total volume of the solvent:

(1) a combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones, having an olefinic or cycloolefinic type of unsaturation except perchloroethylene – five percent;

(2) a combination of aromatic hydrocarbons with eight or more carbon atoms to the molecule except ethyl benzene – eight percent;

(3) a combination of ethyl benzene, ketones having branched hydrocarbon structure,

trichloroethylene, or toluene – 20 percent.

Whenever any photochemically reactive solvent, or any constituent of any photochemically reactive solvent may be classified from its chemical structure into more than one of the groups, that is, that group having the least allowable percent of the total volume of solvents.

(e) A source need not comply with Paragraph (b), (c), of this Regulations in Section 2.0900 of this Article. A facility need not comply with Paragraph (b) of this Regulation if it complies with MCAPCO Regulation 2.0958 – “Work Practices For Sources of Volatile Organic Compounds”. It is the responsibility of the facility to notify the Department prior to choosing compliance with MCAPCO Regulation 2.0958 and to modify the permit to construct and operate issued in accordance with MCAPCO Section 1.5200 – “Air Quality Permits”. However, the source shall not comply with Regulations 2.0902 through 2.0911, 2.0951(a), and 2.0952 of this Article.

(f) Any source to which this Regulation applies shall be exempted from the requirements of Paragraphs (b), (c), or (d) if control equipment is installed and operated which meets the requirements of best available control technology as defined in and determined by procedures of Regulation 2.0530 of this Section. A new best available control technology determination and procedure need not be performed if in the judgement of the Director a previous best available control technology determination is applicable.

(g) Sources at a plant site with emission limits established by Paragraphs (e) or (f) if this Regulation shall be excluded from consideration when determining the compliance of any remaining sources with Paragraph (d) of this Regulation.

*History Note: Statutory Authority G.S. 143-215.3 (a) (1);
143-215.107 (a) (5);
Eff. February 1, 1976;
Amended Eff. December 1, 1993; February 1, 1983;
July 1, 1979*

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1 ST Revision	MAY 25, 2001	OCT 22, 2002	67 FR 64999

Section 2.0519 Control of Nitrogen Dioxide and Nitrogen Oxides Emissions

- (a) The emissions of nitrogen dioxide shall not exceed:
 - (1) 5.8 pounds per ton of acid produced from any nitric acid manufacturing plants,
 - (2) 5.8 pounds per ton of acid produced from any sulfuric acid manufacturing plant.

- (b) The emissions of nitrogen oxides shall not exceed:
 - (1) 0.8 pounds per million Btu of heat input from any oil or gas-fired boiler with a capacity of 250 million Btu per hour or more.
 - (2) 1.8 pounds per million Btu of heat input from any coal-fired boiler with a capacity of 250 million Btu per hour or more.

- (c) The emission limit for a boiler that burns both coal and oil or gas in combustion shall be calculated by the equation:

$$E = [(Ec) (Qc) + (Eo) (Qo)] / Qt$$

- E = the emission limit for combustion in lb/million Btu.
- Ec = emission limit for coal only as determined by Paragraph (a) or (b) of this Regulation in lb/million Btu.
- Eo = emission limit for oil or gas as determined by Paragraph (a) or (b) of this Regulation in lb/million Btu.
- Qc = the actual coal heat input to the combination in Btu/hr.
- Qo = the actual oil and gas heat input to the combination in Btu/hr.
- Qt = Qc + Qo and is the actual total heat input to the combination in Btu/hr.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);
Eff. February 1, 1976;
Amended Eff. July 1, 1996; October 1, 1989; January 1, 1985.*

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2.0523 Control of Conical Incinerators

(a) Purpose. The purpose of this Regulation is to set forth the requirements of the Director relating to the use of conical incinerators in the burning of wood and agricultural waste.

(b) Scope. This Regulation shall apply to all conical incinerators which are designed to incinerate wood and agricultural waste.

(c) A person shall not cause, allow, or permit the burning of wood or agricultural waste in a conical incinerator without taking reasonable precaution to prevent air pollutants from becoming air-bourne. As a minimum, each conical incinerator subject to this Regulation shall be equipped and maintained with:

- (1) an underfire and an overfire forced air system and variable damper which is automatically controlled to ensure the optimum temperature range for the complete combustion of the amount and type of material waste being charge into the incinerator;
- (2) a temperature recorder for continuously recording the temperature of the exit gas;
- (3) a feed system capable of delivering the waste to be burned at a sufficiently uniform rate to prevent temperature from dropping below 800 degrees Fahrenheit during normal operation, with the exception of one startup and one shutdown per day.

(d) The owner of the conical incinerator shall monitor and report ambient particulate concentrations in accordance with a method and schedule acceptable to the Director.

(e) In no case shall the ambient air quality standards as defined in Section 2.0400 of this Article be exceeded.

(f) The conical incinerator shall not violate Regulation 1.5402 if this Ordinance.

(g) The distance a conical incinerator is located and/or operated from the nearest structure(s) in which people live or work shall be optimized to prevent air quality impact and shall be subject to approval by the Director.

(h) New conical incinerators shall be in compliance with this Regulation on startup.

*History Note: Statutory Authority G.S. 143-215.3 (a) (1);
143-215.107 (a) (5);
Eff. February 1, 1976;
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2.0530 Prevention of Significant Deterioration

(a) The purpose of this Regulation is to implement a program for the prevention of significant deterioration of air quality as required by 40 CFR 51.166.

(b) For the purposes of this Regulation the definitions contained in 40 CFR 51.166(b) and 40 CFR 51.301 shall apply. For the purposes of this Regulation:

(1) **“Baseline actual emissions”** means the rate of emissions, in tons per year, of a regulated new source review (NSR) pollutant, as determined in accordance with Parts (A) through (C) of this Subparagraph:

(A) For an existing emissions unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the five year period immediately preceding the date that a complete permit application is received by the Division for a permit required under this Rule. The Director shall allow a different time period, not to exceed 10 years immediately preceding the date that a complete permit application is received by the Division, if the owner or operator demonstrates that it is more representative of normal source operation. For the purpose of determining baseline actual emissions, the following apply:

- (i) The average rate shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions;
- (ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period;
- (iii) For an existing emission unit (other than an electric utility steam generating unit), the average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply. However, if the State has taken credit in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G) for an emission limitation that is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under Part 63 in Title 40 of the Code of Federal Regulations, the baseline actual emissions shall be adjusted to account for such emission reductions;
- (iv) For an electric utility steam generating unit, the average rate shall be adjusted downward to reflect any emissions reductions under G. S. 143-215.107D and for which cost recovery is sought pursuant to G. S. 62-133.6;
- (v) For a regulated NSR pollutant, if a project involves multiple emissions units, only one consecutive 24-month period shall be

used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-month period for each regulated NSR pollutant may be used for each regulated NSR pollutant; and

- (vi) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subparts (ii) and (iii) of this Part.
- (B) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero and thereafter, for all other purposes, shall equal the unit's potential to emit; and
- (C) For a plantwide applicability limit (PAL) for a stationary source, the baseline actual emissions shall be calculated for existing emissions units in accordance with the procedures contained in Part (A) of this Subparagraph and for a new emissions unit, in accordance with the procedures contained in Part (B) of this Subparagraph;
- (2) In the definition of "net emissions increase," the reasonable period specified in 40 CFR 51.166(b)(3)(ii) shall be seven years;
- (3) The limitation specified in 40 CFR 51.166(b)(15)(ii) shall not apply.
- (4) Particulate matter PM_{2.5} significant levels set forth in 40 CFR 51.166(b)(23)(i) are incorporated by reference except as otherwise provided in this Regulation. Sulfur dioxide (SO₂) and nitrogen oxides (NO_x) are precursors to PM_{2.5} in all attainment and unclassifiable areas. Volatile organic compounds and ammonia are not significant precursors to PM_{2.5}.

(c) All areas of the State are classified as Class II, except that the following areas which designated as Class I:

- (1) Great Smoky Mountains National Park;
- (2) Joyce Kilmer Slickrock National Wilderness Area;
- (3) Linville Gorge National Wilderness Area;
- (4) Shining Rock National Wilderness Area;
- (5) Swanquarter National Wilderness Area.

(d) Redesignations of areas to Class I or II may be submitted as State proposals to the Administrator of the Environmental Protection Agency (EPA) if the requirements of 40 CFR 51.166(g)(2) are met. Areas may be proposed to be redesignated as Class III, if the requirements of 40 CFR 51.166(g)(3) are met. Redesignations may not, however, be proposed which would violate the restrictions of 40 CFR 51.166(e). Lands within the boundaries of Indian Reservations may be redesignated only by the appropriate Indian Governing Body.

(e) In areas designated as Class I, II, or III, increases in pollutant concentration over the baseline concentration shall be limited to the values set forth in 40 CFR 51.166(c). However, concentration of the pollutant shall not exceed standards set forth in 40 CFR 51.166(d).

(f) Concentrations attributable to the conditions described in 40 CFR 51.166(f)(1) shall be excluded in determining compliance with a maximum allowable increase. However, the exclusions referred to in 40 CFR 51.166(f)(1)(i) or (ii) shall be limited to five years as described in 40 CFR 51.166(f)(2).

(g) Major stationary sources and major modifications shall comply with the requirements contained in 40 CFR 51.166(a)(7) and (i) and in 40 CFR 51.166(j) through (o) and (w). The transition provisions allowed by 40 CFR 52.21(i)(11)(i) and (ii) and (m)(1)(vii) and (viii) are hereby adopted under this Regulation. The minimum requirements described in the portions of 40 CFR 51.166 referenced in this Paragraph are hereby adopted as the requirements to be used under this Regulation, except as otherwise provided in this Regulation. Wherever the language of the portions of 40 CFR 51.166 referenced in this Paragraph speaks of the “plan,” the requirements described therein shall apply to the source to which they pertain, except as otherwise provided in this Regulation. Whenever the portions of 40 CFR 51.166 referenced in this Paragraph provide that the State plan may exempt or not apply certain requirements in certain circumstances, those exemptions and provisions of nonapplicability are also hereby adopted under this Regulation. However, this provision shall not be interpreted so as to limit information that may be requested from the owner or operator by the director as specified in 40 CFR 51.166(n)(2).

(h) New natural gas-fired electrical utility generating units for which cost recovery is sought pursuant to G.S. 62-133.6 shall install best available control technology for NO_x and SO₂, regardless of the applicability of the rest of this rule.

(i) For the purposes of this Rule, 40 CFR 51.166(w)(10)(iv)(a) shall read: “If the emissions level calculated in accordance with Paragraph (w)(6) of this Section is equal to or greater than 80 percent of the PAL level, the Director shall renew the PAL at the same level.” 40 CFR 51.166(w)(10)(iv)(b) is not incorporated by reference.

(j) MCAPCO Regulation 1.5211 - “Applicability” Paragraphs (f) and (g) shall not be applicable to any source to which this Regulation applies. The owner or operator of the sources to which this Regulation applies shall apply for and receive a permit as required in MCAPCO Section 1.5200 - “Air Quality Permits” or MCAPCO Section 1.5500 - “Title V Procedures.”

(k) When a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the provisions of this Regulation shall apply to the source or modification as though construction had not yet begun on the source or modification.

(l) For the purpose of this Regulation, the provisions of 40 CFR 52.21(r)(2) regarding the period of validity of approval to construct are incorporated by reference except that the term “Administrator” shall be replaced with “Director”.

(m) Volatile organic compounds exempted from coverage in 40 CFR 51.100(s) shall be exempted when calculating source applicability and control requirements under this Regulation.

(n) The degree of emission limitation required for control of any air pollutant under this Regulation shall not be affected in any manner by:

- (1) that amount of a stack height, not in existence before December 31, 1970, that exceeds good engineering practice; or
- (2) any other dispersion technique not implemented before then.

(o) A substitution or modification of a model as provided for in 40 CFR 51.166(l) is subject to public comment procedures in accordance with the requirements of 40 CFR 51.102.

(p) Permits may be issued on the basis of innovative control technology as set forth in 40 CFR 51.166(s)(1) if the requirements of 40 CFR 51.166(s)(2) have been met, subject to the condition of 40 CFR 51.166(s)(3), and with the allowance set forth in 40 CFR 51.166(s)(4).

(q) If a source to which this Regulation applies impacts an area designated Class I by requirements of 40 CFR 51.166(e), notice to EPA shall be provided as set forth in 40 CFR 51.166(p)(1). If the Federal Land Manager presents a demonstration described in 40 CFR 51.166(p)(3) during the public comment period or public hearing to the Director and if the Director concurs with this demonstration, the permit application shall be denied. Permits may be issued on the basis that the requirements for variances as set forth in 40 CFR 51.166(p)(4), (p)(5) and (p)(7), or (p)(6) and (p)(7) have been satisfied.

(r) A permit application subject to this Regulation shall be processed in accordance with the procedures and requirements of 40 CFR 51.166(q). Within 30 days of receipt of the application, applicants shall be notified if the application is complete as to initial information submitted. Commencement of construction before full prevention of significant deterioration approval is obtained shall constitute a violation of this Regulation.

(s) Approval of an application with regard to the requirements of this Regulation shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of other Regulations of this Ordinance and with any other requirements under local, state, or federal law.

(t) When a source or modification subject to this Regulation the following procedures apply:

- (1) Notwithstanding any other provisions of this paragraph, the Director shall, no later than 60 days after receipt of an application, notify the Federal Land Manager with the U.S. Department of Interior and U.S. Department of Agriculture of an application from a source or modification subject to this Regulation;
- (2) If a source of modification may affect visibility of a Class I area, the Director shall provide written notification to all affected Federal Land Managers within 30 days of receiving the permit application or within 30 days of receiving advance notification of an application. The notification shall be at least 30 days prior to the publication of notice for public comment on the application. The notification shall include a copy of

- all information relevant to the permit application, including an analysis provided by the source of the potential impact of the proposed source on visibility;
- (3) The director shall consider any analysis concerning visibility impairment performed by the Federal Land Manager if the analysis is received within 30 days of notification. If the director finds that the analysis of the Federal Land Manager fails to demonstrate to his satisfaction that an adverse impact on visibility will result in the Class I area, the Director shall provide in the notice of public hearing on the application, an explanation of his decision or notice as to where the explanation can be obtained; and
 - (4) The director may require monitoring of visibility in or around any Class I area by the proposed new source or modification when the visibility impact analysis indicates possible visibility impairment, pursuant to 40 CFR 51.307.

(u) If the owner or operator of a source is using projected actual emissions to avoid applicability of prevention of significant deterioration requirements, the owner or operator shall notify the Director of the modification before beginning actual construction. The notification shall include:

- (1) a description of the project;
- (2) identification of sources whose emissions could be affected by the project;
- (3) the calculated projected actual emissions and an explanation of how the projected actual emissions were calculated, including identification of emissions excluded by 40 CFR 51.166(b)(40)(ii)(c);
- (4) the calculated baseline actual emissions and an explanation of how the baseline actual emissions were calculated; and
- (5) any netting calculations, if applicable.

If, upon reviewing the notification, the Director finds that the project will require a prevention of significant deterioration evaluation, the Director shall notify the owner or operator of his or her findings. The owner or operator shall not make the modification until a permit has been issued pursuant to this Regulation. If a permit revision is not required pursuant to this Regulation, the owner or operator shall maintain records of annual emissions in tons per year, on a calendar year basis related to the modifications, for 10 years following resumption of regular operations after the change if the project involves increasing the emissions unit's design capacity or its potential to emit the regulated NSR pollutant; otherwise, these records shall be maintained for five years following resumption of regular operations after the change. The owner or operator shall submit a report to the Director within 60 days after the end of each year during which these records must be generated. The report shall contain the items listed in 40 CFR 51.166(r)(6)(v)(a) through (c). The owner or operator shall make the information documented and maintained under this Paragraph available to the Director and the general public, pursuant to the requirements in 40 CFR 70.4(b)(3)(vii).

(v) Portions of the regulations in the Code of Federal Regulations (CFR) that are referred to in this Regulation are incorporated by reference unless a specific reference states otherwise. The version of the CFR incorporated in this Regulation, with respect to 40 CFR 51.166, is that as of July 1, 2014 at <https://www.gpo.gov/fdsys/pkg/CFR-2014-title40-vol2/pdf/CFR-2014-title40->

[vol2-sec51-166.pdf](#) and does not include any subsequent amendments or editions to the referenced material. The publication may be accessed free of charge.

State History Note:

Filed as a Temporary Amendment 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)(3); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.108(b); Eff. June 1, 1981;
Amended Eff. September 1, 2017; September 1, 2013; January 2, 2011; September 1, 2010; May 1, 2008; July 28, 2006; July 1, 1997; February 1, 1995; July 1, 1994; December 1, 1992; August 1, 1991.

MCAQ History Note

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2.0531 Sources in Nonattainment Areas

(a) Applicability.

- (1) Ozone Nonattainment Areas. This Regulation applies to major stationary sources and major modifications of sources of volatile organic compounds or nitrogen oxides for which construction commences after the area in which the source is located is designated according to Part (A) or (B) of this Subparagraph and that are located in:
 - (A) areas designated in 40 CFR 81.334 as nonattainment for ozone; or
 - (B) Mecklenburg County, with the exception allowed under Paragraph (k) of this Regulation; when the Director of the North Carolina Department of Environment and Natural Resources (NCDENR) notices in the North Carolina Register that the area is in violation of the ambient air quality standard for ozone.
Violations of the ambient air quality standard for ozone shall be determined according to 40 CFR 50.9.
- (2) Carbon Monoxide Nonattainment Areas. This Regulation applies to major stationary sources and major modifications of sources of carbon monoxide located in areas designated in 40 CFR 81.334 as nonattainment for carbon monoxide and for which construction commences after the area in which the source is located is listed in 40 CFR 81.334 as nonattainment for carbon monoxide.
- (3) Redesignation to Attainment. If Mecklenburg County or any part of Mecklenburg County to which this Regulation applies is later designated in 40 CFR 81.334 as attainment for ozone or carbon monoxide, all sources in the county or part of the county subject to this Regulation before the redesignation date shall continue to comply with this Regulation.

(b) For the purpose of this Regulation the definitions contained in 40 CFR 51.165(a)(1) and 40 CFR 51.301 shall apply. The reasonable period specified in 40 CFR 51.165(a)(1)(vi)(C)(1) shall be seven years.

(c) This Regulation is not applicable to:

- (1) Transportation Facilities regulated only under MCAPCO Section 2.0800 - "Transportation Facilities" and not under any other Regulation in this Article;
- (2) emission of pollutants at the new major stationary source or major modification located in the nonattainment area which are pollutants other than the pollutant or pollutants for which the area is nonattainment. (A major stationary source or major modification that is major for volatile organic compounds or nitrogen oxides is also major for ozone.);
- (3) emission of pollutants for which the source or modification is not major;
- (4) a new source or modification that qualifies for exemption under the provision of 40 CFR 51.165(a)(4); and
- (5) emission of compounds listed under 40 CFR 51.100(s) as having been determined to have negligible photochemical reactivity except carbon monoxide.

(d) MCAPCO Regulation 1.5211 - "Applicability" Paragraphs (f) and (g) are not applicable to any source to which this Regulation applies. The source must apply for and receive a permit as required in MCAPCO Sections 1.5200 - "Air Quality Permits" or 1.5500 - "Title V Procedures".

(e) To issue a permit to a source to which this Regulation applies, the Director shall determine that the source will meet the following requirements:

- (1) The source will emit the nonattainment pollutant at a rate no more than the lowest achievable emission rate;
- (2) The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources in the State that are owned or operated by this person (or any entity controlling, controlled by, or under common control with this person) are subject to emission limitations and are in compliance, or on a schedule for compliance that is federally enforceable or contained in a court decree, with all applicable emission limitations and standards of this Article that EPA has authority to approve as elements of the Mecklenburg County Portion of the North Carolina State Implementation Plan for Air Quality;
- (3) The source will obtain sufficient emission reductions of the nonattainment pollutant from other sources in the nonattainment area so that the emissions from the new major source and associated new minor sources will be less than the emissions reductions by a ratio of at least 1.00 to 1.15 for volatile organic compounds and nitrogen oxides and by a ratio of lesser than one for carbon monoxide. The baseline for this emission offset shall be the actual emissions of the source from which offset credit is obtained. Emission reductions shall not include any reductions resulting from compliance (or scheduled compliance) with applicable regulations in effect prior to the application. The difference between the emissions from the new major source and associated new minor sources of carbon monoxide and the emission reductions shall be sufficient to represent reasonable further progress toward attaining the Ambient Air Quality Standards. The emissions reduction credits shall also conform to the provisions of 40 CFR 51.165(a)(3)(ii)(A) through (G);
and
- (4) The Mecklenburg County Portion of the North Carolina State Implementation Plan for Air Quality is being carried out for the nonattainment area in which the proposed source is located.

(f) When a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the provisions of this Regulation shall apply to the source or modification as though construction had not yet begun on the source or modification.

(g) To issue a permit to a source of a nonattainment pollutant, the Director shall determine, in addition to the other requirements of this Regulation, that an analysis (produced by the permit applicant) of alternative sites, sizes, production processes, and environmental control techniques for the source demonstrates that the benefits of the source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(h) Approval of an application regarding the requirements of this Regulation shall not relieve the owner or operator of the responsibility to comply fully with applicable provisions of other Regulations of this Ordinance and any other requirements under local, state, or federal law.

(i) When a source or modification subject to this Regulation may affect the visibility of a Class I area named in Paragraph (c) of MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration", the following procedures shall be followed:

- (1) The owner or operator of the source shall provide an analysis of the impairment to visibility that would occur because of the source or modification and general commercial, industrial and other growth associated with the source or modification;
- (2) The Director shall provide written notification to all affected Federal Land Managers within 30 days of receiving the permit application or within 30 days of receiving advance notification of an application. The notification shall be at least 30 days before the publication of the notice for public comment on the application. The notification shall include a copy of all information relevant to the permit application including an analysis provided by the source of the potential impact of the proposed source on visibility;
- (3) The Director shall consider any analysis concerning visibility impairment performed by the Federal Land Manager if the analysis is received within 30 days of notification. If the Director finds that the analysis of the Federal Land Manager fails to demonstrate to his satisfaction that an adverse impact on visibility will result in the Class I area, the Director shall provide in the notice of public hearing on the application, an explanation of his decision or notice where the explanation can be obtained;
- (4) The Director shall only issue permits to those sources whose emissions will be consistent with making reasonable progress toward the national goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I areas when the impairment results from manmade air pollution. In making the decision to issue a permit, the Director shall consider the cost of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the useful life of the source;
and
- (5) The Director may require monitoring of visibility in or around any Class I area by the proposed new source or modification when the visibility impact analysis indicates possible visibility impairment.

The requirements of this Paragraph shall not apply to nonprofit health or nonprofit educational institutions.

(j) The version of the Code of Federal Regulations incorporated in this Regulations is that as of January 1, 1989, and does not include any subsequent amendments or editions to the referenced

material.

(k) Paragraphs (e) and (g) of this Regulation shall not apply to a new major stationary source or a major modification of a source of volatile organic compounds or nitrogen oxides for which construction commences after the area in which the source is located has been designated according to Part (a)(1)(B) of this Regulation and before the area is designated in 40 CFR 81.334 as nonattainment for ozone if the owner or operator of the source demonstrates, using the Urban Airshed Model (UAM), that the new source or modification will not contribute to or cause a violation. The model used shall be that maintained by the North Carolina Department of Environment and Natural Resources - Division of Air Quality. The Division of Air Quality shall only run the model after the permit application has been submitted. The permit application shall be incomplete until the modeling analysis is completed. The owner or operator of the source shall apply such degree of control and obtain such offsets necessary to demonstrate the new source or modified source will not cause or contribute to a violation.

*History Note: Filed as a Temporary Amendment 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)(5); 143-215.108(b);
Eff. June 1, 1981;
Amended Eff. July 1, 1998; July 1, 1996; July 1, 1995; July 1, 1994; December 1, 1993.*

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2.0532 Sources Contributing to an Ambient Violation

- (a) This Regulation applies to certain new major stationary sources and major modifications to which MCAPCO Regulation 2.0531 - "Sources in Non-Attainment Areas" does not apply and which would contribute to a violation of a national ambient air quality standard but which would not cause a new violation.
- (b) For the purpose of this Regulation the definitions contained in Section II.A. of Appendix S of 40 CFR Part 51 shall apply.
- (c) The Regulation is not applicable to:
- (1) Transportation Facilities regulated only under MCAPCO Section 2.0800 - "Transportation Facilities" and not under any other Regulation of this Article;
 - (2) emission of pollutants for which the area in which the new or modified source is located is designated as nonattainment;
 - (3) emission of pollutants for which the source or modification is not major;
 - (4) emission of pollutants other than sulfur dioxide, total suspended particulates, nitrogen oxides, and carbon monoxide;
and
 - (5) a new or modified source whose impact will increase not more than:
 - (A) 1.0 ug/m³ of SO₂ on an annual basis,
 - (B) 5 ug/m³ of SO₂ on a 24-hour basis,
 - (C) 25 ug/m³ of SO₂ on a 3-hour basis,
 - (D) 1.0 ug/m³ of total suspended particulates on an annual basis,
 - (E) 5 ug/m³ of total suspended particulates on a 24-hour basis,
 - (F) 1.0 ug/m³ of NO₂ on an annual basis,
 - (G) 0.5 mg/m³ of carbon monoxide on an 8-hour basis,
 - (H) 2 mg/m³ of carbon monoxide on a one-hour basis, at any locality that does not meet a national ambient air quality standard;
 - (I) 1.0 ug/m³ of PM-10 on an annual basis, or
 - (J) 5 ug/m³ of PM-10 on a 24-hour basis, at any locality that does not meet a national ambient air quality standard;
 - (6) sources which are not major unless secondary emissions are included in calculating the potential to emit;
 - (7) sources which are exempted by the provision in Section II.F. of Appendix S of 40 CFR Part 51;
 - (8) temporary emission sources which will be relocated within two years; and
 - (9) emissions resulting from the construction phase of the source.
- (d) MCAPCO Regulation 1.5211 - "Applicability" Paragraphs (f) and (g) are not applicable to any source to which this Regulation applies. The owner or operator of the source shall apply for and receive a permit as required in MCAPCO Section 1.5200 - "Air Quality Permits" or 1.5500 - "Title V Procedures".
- (e) To issue a permit to a new or modified source to which this Regulation applies, the Director

shall determine that the source will meet the following conditions:

- (1) The sources will emit the nonattainment pollutant at a rate no more than the lowest achievable emission rate.
- (2) The owner or operator of the proposed new or modified source has demonstrated that all major stationary sources in the State which are owned or operated by this person (or any entity controlling, controlled by, or under common control with this person) are subject to emission limitations and are in compliance, or on a schedule for compliance which is federally enforceable or contained in a court decree, with all applicable emission limitations and standards of this Article which EPA has authority to approve as elements of the Mecklenburg County Portion of the North Carolina State Implementation Plan for Air Quality.
- (3) The source will satisfy one of the following conditions:
 - (A) The source will comply with Subparagraph (e)(3) of MCAPCO Regulation 2.0531 - "Sources in Non-Attainment Areas" when the source is evaluated as if it were in the nonattainment area;
or
 - (B) The source will have an air quality offset, i.e., the applicant will have caused an air quality improvement in the locality where the national ambient air quality standard is not met by causing reductions in impacts of other sources greater than any additional impact caused by the source for which the application is being made. The emissions reductions creating the air quality offset shall be placed as a condition in the permit for the source reducing emissions. The requirements of this Part may be partially waived if the source is a resource recovery facility burning municipal solid waste, the source must switch fuels due to lack of adequate fuel supplies, or the source is required to be modified as a result of EPA regulations and no exemption from such regulations is available and if:
 - (i) the permit applicant demonstrates that it made its best efforts to obtain sufficient air quality offsets to comply with this Part;
 - (ii) the applicant has secured all available air quality offsets;
and
 - (iii) the applicant will continue to seek the necessary air quality offsets and apply them when they become available.

(f) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the provisions of this Regulation shall apply to the source or modification as though construction had not yet begun on the source or modification.

(g) The version of the Code of Federal Regulations incorporated in this Regulation is that as of January 1, 1989, and does not include any subsequent amendments or editions to the referenced material.

History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-

*215.107(a)(5); 143-215.108(b); 150B-21.6; Eff. June 1, 1981;
Amended Eff. July 4, 1994; August 1, 1991; October 1, 1989; July 1, 1988;
October 1, 1987; January 1, 1985; February 1, 1983.*

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2.0533 Stack Height

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

- (1) **“A stack in existence”** means that the owner or operator had:
 - (A) begun, or caused to begin, a continuous program of physical on-site construction of the stack;
or
 - (B) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in the time that is normally required to construct such a stack.
- (2) **“Dispersion technique”**
 - (A) **“Dispersion technique”** means any technique which attempts to affect the concentration of a pollutant in the ambient air by:
 - (i) using that portion of a stack which exceeds good engineering practice stack height,
 - (ii) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant,
or
 - (iii) increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.
 - (B) **“Dispersion technique” does not include:**
 - (i) the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;
 - (ii) the using of smoke management in agricultural or silvicultural prescribed burning programs;
 - (iii) the merging of exhaust gas streams where:
 - (I) The facility owner or operator demonstrates that the source was originally designed and constructed with such merged gas streams;
 - (II) After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or
 - (III) Before July 8, 1985, such merging was part of a change in operation at the source that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of

pollutants actually emitted prior to the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

- (iv) Episodic restrictions on residential woodburning and open burning or;
 - (v) Techniques under Subpart (A)(iii) of this Subparagraph which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.
- (3) **“Emission limitation”** means a requirement established by this Article that limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements that limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.
- (4) **“Excessive concentrations”** means, for the purpose of determining good engineering practice stack height under Part (4)(D) of this Paragraph:
- (A) for sources seeking credit for stack height exceeding that established under Part (4)(B) or (C) of this Paragraph, a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to MCAPCO Regulation 2.0530 - “Prevention of Significant Deterioration”, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under this part shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;
 - (B) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under Part (4)(B) or (C) of this Paragraph:
 - (i) a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects as provided in Part (A) of this

Subparagraph, except that the emission rate specified by any applicable Regulation in this Article (or, in the absence of such a limit, the actual emission rate) shall be used,

or

- (ii) the actual presence of a local nuisance (odor, visibility impairment, or pollutant concentration) caused by the existing stack, as determined by the Director; and
- (C) for sources seeking credit after January 12, 1979, for a stack height determined under Part (4)(B) or (C) of this Paragraph where the Director requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influence of structures not adequately represented by Part (4)(B) or (C) of this Paragraph, a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.
- (5) **“Good engineering practice (GEP) stack height”** means the greater of:
 - (A) 65 meters measured from the ground-level elevation at the base of the stack;
 - (B) 2.5 times the height of nearby structure(s) measured from the ground-level elevation at the base of the stack for stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable permit or approvals required under the Mecklenburg County Air Pollution Control Ordinance, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;
 - (C) for stacks not covered under Part (B) of this Subparagraph, the height of nearby structure(s) measured from the ground-level elevation at the base of the stack plus 1.5 times the lesser dimension (height or projected width) of nearby structure(s) provided that the Director may require the use of a field study or fluid model to verify GEP stack height for the source;
or
 - (D) the height demonstrated by a fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.
- (6) **“Nearby”** means, for a specific structure or terrain feature:
 - (A) under Parts (4)(B) and (C) of this Paragraph, that distance up to five times the lesser of the height or the width dimension of a structure but not greater than one-half mile. The height of the structure is measured from the ground-level elevation at the base of the stack.
 - (B) under Part (4)(D) of this Paragraph, not greater than one-half mile, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height [H_t] of the feature,

not to exceed two miles if such feature achieves a height [h_t] one-half mile from the stack that is at least 40 percent of the GEP stack height determined by Part (4)(C) of this Paragraph or 26 meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(7) **“Stack”** means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

(b) With the exceptions stated in Paragraphs (c) and (d) of this Regulation, the degree of emission limitations required by any Regulation in this Article shall not be affected by:

- (1) that amount of a stack height that exceeds good engineering practice, or
- (2) any other dispersion technique.

(c) Paragraph (b) shall not apply to:

(1) stack heights in existence or dispersion techniques implemented before December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a)(3) of the Clean Air Act, which were constructed, or reconstructed, or for which major modifications, as defined in MCAPCO Regulations 2.0530 - “Prevention of Significant Deterioration” Paragraph (b) and 2.0531 - "Sources in Non-Attainment Areas" Paragraph (b) were carried out after December 31, 1970;

or

(2) coal-fired steam electric generating units, subject to provisions of Section 118 of the federal Clean Air Act, which began operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974. However, these exemptions shall not apply to a new stack that replaces a stack that is exempted by Subparagraphs (1) and (2) of this Paragraph. These exemptions shall not apply to a new source using a stack that is exempted by Subparagraphs (1) and (2) of this Paragraph.

(d) This Regulation shall not restrict the actual stack height of any source.

History Note: Statutory Authority G.S. 143-215.3(a)(1); Eff. November 1, 1982;
Amended Eff. July 1, 1994; July 1, 1987; April 1, 1986.

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2.0535 Malfunctions, Start-Up and Shut-Down

- (a) For this Regulation the following definitions apply:
- (1) **“Excess Emissions”** means an emission rate that exceeds any applicable emission limitation or standard allowed by any Regulation in MCAPCO Sections 1.5500 - “Title V Procedures”, 2.0900 - “Volatile Organic Compounds”, 2.1200 - “Control of Emissions from Incinerators”, or 2.1400 - “Nitrogen Oxides”; or by a permit condition; or that exceeds an emission limit established in a permit issued under MCAPCO Section 1.5700 - “Toxic Air Pollutant Procedures”.
 - (2) **“Malfunction”** means any unavoidable failure of air pollution control equipment, process equipment, or process to operate in a normal and usual manner that results in excess emissions. Excess emissions during periods of routine start-up and shut-down of process equipment shall not be considered a malfunction. Failures caused entirely or in part by poor maintenance, careless operations or any other upset condition within the control of the emission source shall not be considered a malfunction.
 - (3) **“Shut-down”** means the cessation of the operation of any source for any purpose.
 - (4) **“Start-up”** means the commencement of operation of any source that has shut-down or ceased operation for a period sufficient to cause temperature, pressure, process, chemical, or a pollution control device imbalance that would result in excess emissions.
- (b) This Regulation does not apply to sources to which MCAPCO Regulations 2.0524 - “New Source Performance Standards”, 2.1110 - “National Emission Standards for Hazardous Air Pollutants”, or 2.1111 - “Maximum Achievable Control Technology” applies unless excess emissions exceed an emission limit established in a permit issued under MCAPCO Section 1.5700 - “Toxic Air Pollutant Procedures” that is more stringent than the emission limit set by MCAPCO Regulations 2.0524 - “New Source Performance Standards”, 2.1110 - “National Emission Standards for Hazardous Air Pollutants”, or 2.1111 - “Maximum Achievable Control Technology”.
- (c) Any excess emissions that do not occur during start-up or shut-down shall be considered a violation of the appropriate Regulation unless the owner or operator of the source of excess emissions demonstrates to the Director, that the excess emissions are the result of a malfunction. To determine if the excess emissions are the result of a malfunction, the Director shall consider, along with any other pertinent information, the following:
- (1) The air cleaning device, process equipment, or process has been maintained and operated, to the maximum extent practicable, consistent with good practice for minimizing emissions;
 - (2) Repairs have been made in an expeditious manner when the emission limits have been exceeded;
 - (3) The amount and duration of the excess emissions, including any bypass, have been minimized to the maximum extent practicable;
 - (4) All practical steps have been taken to minimize the impact of the excess emissions on ambient air quality;

- (5) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- (6) The requirements of Paragraph (f) of this Regulation have been met; and
- (7) If the source is required to have a malfunction abatement plan, it has followed that plan. All malfunctions shall be repaired as expeditiously as practicable. However, the Director shall not excuse excess emissions caused by malfunctions from a source for more than 15 percent of the operating time during each calendar year.

(d) All electric utility boiler units shall have a malfunction abatement plan approved by the Director as satisfying the requirements of Subparagraphs (1) through (3) of this Paragraph. In addition, the Director may require any other source to have a malfunction abatement plan approved by the Director as satisfying the requirements of Subparagraphs (1) through (3) of this Paragraph. If the Director requires a malfunction abatement plan for a source other than an electric utility boiler, the owner or operator of that source shall submit a malfunction abatement plan within 60 days after receipt of the Director's request. The malfunction plans of electric utility boiler units and of other sources required to have them shall be implemented when a malfunction or other breakdown occurs. The purpose of the malfunction abatement plan is to prevent, detect, and correct malfunctions or equipment failures that could result in excess emissions. A malfunction abatement plan shall contain as a minimum:

- (1) a complete preventive maintenance program including:
 - (A) the identification of individuals or positions responsible for inspecting, maintaining and repairing air cleaning devices;
 - (B) a description of the items or conditions that will be inspected and maintained;
 - (C) the frequency of the inspection, maintenance services, and repairs; and
 - (D) an identification and quantities of the replacement parts that shall be maintained in inventory for quick replacement;
- (2) an identification of the source and air cleaning operating variables and outlet variables, such as opacity, grain loading, and pollutant concentration, that may be monitored to detect a malfunction or failure; the normal operating range of these variables and a description of the method of monitoring or surveillance procedures and of informing operating personnel of any malfunctions, including alarm systems, lights or other indicators; and
- (3) a description of the corrective procedures that the owner or operator will take in case of a malfunction or failure to achieve compliance with the applicable Regulation as expeditiously as practicable but no longer than the next boiler or process outage that would provide for an orderly repair or correction of the malfunction or 15 days, whichever is shorter. If the owner or operator anticipates that the malfunction would continue for more than 15 days, a case-by-case repair schedule will be established by the Director with the source.

The owner or operator shall maintain logs to show that the operation and maintenance parts of the malfunction abatement plan are implemented. These logs shall be subject to inspection by the Director or his designee upon request during business hours.

(e) The owner or operator of any electric utility boiler unit required to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within 60 days of the

effective date of this Regulation. The owner or operator of any other source required by the Director to have a malfunction abatement plan shall submit a malfunction abatement plan to the Director within six months after it has been required by the Director. The malfunction abatement plan and any amendment to it shall be reviewed by the Director or his designee. If the plan carries out the objectives described by Paragraph (d) of this Regulation, the Director shall approve it. If the plan does not carry out the objectives described by Paragraph (d) of this Regulation, the Director shall disapprove the plan. The Director shall state his reasons for his disapproval. The person who submits the plan shall submit an amendment to the plan to satisfy the reasons for the Director's disapproval within 30 days of receipt of the Director's notification of disapproval. Any person having an approved malfunction abatement plan shall submit to the Director for his approval amendments reflecting changes in any element of the plan required by Paragraph (d) of this Regulation or amendments when requested by the Director. The malfunction abatement plan and amendments to it shall be implemented within 90 days upon receipt of written notice of approval.

(f) The owner or operator of a source of excess emissions that last for more than four hours and that results from a malfunction, a breakdown of process or control equipment or any other abnormal conditions, shall:

- (1) notify the Director or his designee of any such occurrence by 9:00 a.m. Eastern time of the Department's next business day after becoming aware of the occurrence and describe:
 - (A) name and location of the facility,
 - (B) the nature and cause of the malfunction or breakdown,
 - (C) the time when the malfunction or breakdown is first observed,
 - (D) the expected duration, and
 - (E) an estimated rate of emissions;
- (2) notify the Director or his designee immediately when the corrective measures have been accomplished;
- (3) submit to the Director within 15 days after the request a written report that includes:
 - (A) name and location of the facility,
 - (B) identification or description of the processes and control devices involved in the malfunction or breakdown,
 - (C) the cause and nature of the event,
 - (D) time and duration of the violation or the expected duration of the excess emission if the malfunction or breakdown has not been fixed,
 - (E) estimated quantity of pollutant emitted,
 - (F) steps taken to control the emissions and to prevent recurrences and if the malfunction or breakdown has not been fixed, steps planned to be taken, and
 - (G) any other pertinent information requested by the Director.After the malfunction or breakdown has been corrected, the Director may require the owner or operator of the source to test the source in accordance with MCAPCO Regulation 2.0501 of this Article to demonstrate compliance.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4); 143-215.107(a)(5); Eff. March 1, 1983; Amended Eff. April 1, 2001; July 1, 1998; July 1, 1996; October 1, 1991; May 1, 1990; April 1, 1986.

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2.0544 PREVENTION OF SIGNIFICANT DETERIORATION REQUIREMENTS FOR GREENHOUSE GASES

(a) The purpose of this Regulation is to implement a program for the prevention of significant deterioration of air quality for greenhouse gases as required by 40 CFR 51.166. For purposes of greenhouse gases, the provisions of this Regulation shall apply rather than the provisions of MCAPCO Regulation 2.0530 – “Prevention Of Significant Deterioration”. A major stationary source of major modification shall not be required to obtain of significant deterioration (PSD) permit on the sole basis of its greenhouse gases emissions. For all other regulated new source review (NSR) pollutants, the provisions of MCAPCO Regulation 2.0530 of this apply.

(b) For the purposes of this Regulation, the definitions contained in 40 CFR 51.166(b) and 40 CFR 51.301 shall apply except the definition of “baseline actual emissions.” “Baseline actual emissions” means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with Subparagraphs (1) through (3) of this Paragraph:

- (1) For an existing emissions unit, baseline actual emissions means the average rate, in tons per year, at which the emissions unit emitted the pollutant during any consecutive 24-month period selected by the owner or operator within the 5-year period preceding the date that a complete permit application is received by the Department for a permit required under this Regulation. The Director shall allow a different time period, not to exceed 10 years preceding the date that a complete permit application is received by the Department, if the owner or operator demonstrates that it is more representative of normal source operation. For the purpose of determining baseline actual emissions, the following shall apply:
 - (A) The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions;
 - (B) The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24-month period;
 - (C) For an existing emission unit (other than an electric utility steam generating unit), the average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source shall currently comply. However, if the State has taken credit in an attainment demonstration or maintenance plan consistent with the requirements of 40 CFR 51.165(a)(3)(ii)(G) for an emission limitation that is part of a maximum achievable control technology standard that the Administrator proposed or promulgated under part 63 of the Code of Federal Regulations, the baseline actual emissions shall be adjusted to account for such emission reductions;
 - (D) For an electric utility steam generating unit, the average rate shall be adjusted downward to reflect any emissions reductions under G.S. 143-215.107D and for which cost recovery is sought pursuant to G.S. 62-133.6;
 - (E) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24-month period shall be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive 24-

- month period for each regulated NSR pollutant can be used for each regulated NSR pollutant; and
- (F) The average rate shall not be based on any consecutive 24-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Parts (B) and (C) of this Subparagraph;
 - (2) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit; and
 - (3) For a plantwide applicability limit (PAL) for a stationary source, the baseline actual emissions shall be calculated for existing emissions units in accordance with the procedures contained in Subparagraph (1) of this Paragraph and for a new emissions unit in accordance with the procedures contained in Subparagraph (2) of this Paragraph.
- (c) In the definition of “net emissions increase,” the reasonable period specified in 40 CFR 51.166(b)(3)(ii) shall be seven years.
- (d) in the definition of “subject to regulation”, a greenhouse gas’s global warming potential is the global warming potential published at Table A-1 of Subpart A of 40 CFR Part 98 and shall include subsequent amendments and editions.
- (e) The limitation specified in 40 CFR 51.166(b)(15)(ii) shall not apply.
- (f) Major stationary sources and major modifications shall comply with the requirements contained in 40 CFR 51.166(i) and (a)(7) and by extension in 40 CFR 51.166(j) through (o) and (w). The transition provisions allowed by 40 CFR 52.21 (i)(11)(i) and (ii) and (m)(1)(vii) and (viii) are hereby adopted under this Regulation. The minimum requirements described in the portions of 40 CFR 51.166 referenced in this Paragraph are hereby adopted as the requirements to be used under this Regulation, except as otherwise provided in this Regulation. Wherever the language of the portions of 40 CFR 51.166 referenced in this Paragraph speaks of the “plan,” the requirements described therein shall apply to the source to which they pertain, except as otherwise provided in this Regulation. Whenever the portions of 40 CFR 51.166 referenced in this Paragraph provide that the State plan may exempt or not apply certain requirements in certain circumstances, those exemptions and provisions of nonapplicability are also hereby adopted under this Regulation. However, this provision shall not be interpreted so as to limit information that may be requested from the owner or operator by the Director as specified in 40 CFR 51.166(n)(2).
- (g) 40 CFR 51.166(w)(10)(iv)(a) is changed to read: “If the emissions level calculated in accordance with Paragraph (w)(6) of this Section is equal to or greater than 80 percent of the PAL [plant wide applicability limit] level, the Director shall renew the PAL at the same level.” 40 CFR 51.166(w)(10)(iv)(b) is not incorporated by reference.
- (h) 15A NCAC 02Q .0102 and .0302 are not applicable to any source to which this Regulation applies. The owner or operator of the sources to which this Regulation applies shall

apply for and receive a permit as required in MCAPCO Sections 1.5200 – “Air Quality Permits” or 1.5500 – “Title V Procedures”.

(i) When a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation that was established after August 7, 1980, on the capacity of the source or modification to emit a pollutant, such as a restriction on hours of operation, then the provisions of this Regulation shall apply to the source or modification as though construction had not yet begun on the source or modification.

(j) The provisions of 40 CFR 52.21(r)(2) regarding the period of validity of approval to construct are incorporated by reference except that the term “Administrator” is replaced with “Director”.

(k) Permits may be issued based on innovative control technology as set forth in 40 CFR 51.166(s)(1) if the requirements of 40 CFR 51.166(s)(2) have been met, subject to the condition of 40 CFR 51.166(s)(3), and with the allowance set forth in 40 CFR 51.166(s)(4).

(l) A permit application subject to this Regulation shall be processed in accordance with the procedures and requirements of 40 CFR 51.166(q). Within 30 days of receipt of the application, applicants shall be notified if the application is complete as to initial information submitted. Commencement of construction before full prevention of significant deterioration approval is obtained constitutes a violation of this Regulation.

(m) Approval of an application with regard to the requirements of this Regulation shall not relieve the owner or operator of the responsibility to comply with applicable provisions of other Regulations of this Ordinance and any other requirements under local, state, or federal law.

(n) If the owner or operator of a source is using projected actual emissions to avoid applicability of prevention of significant deterioration requirements, the owner or operator shall notify the Director of the modification before beginning actual construction. The notification shall include:

- (1) a description of the project;
- (2) identification of sources whose emissions could be affected by the project;
- (3) the calculated projected actual emissions and an explanation of how the projected actual emissions were calculated, including identification of emissions excluded by 40 CFR 51.166(b)(4)(ii)(c);
- (4) the calculated baseline actual emissions and an explanation of how the baseline actual emissions were calculated; and
- (5) any netting calculations, if applicable.

If upon reviewing the notification, the Director finds that the project will cause a prevention of significant deterioration evaluation, then the Director shall notify the owner or operator of his or her findings. The owner or operator shall not make the modification until the owner or operator has received a permit issued pursuant to this Regulation. If a permit revision is not required pursuant to this Regulation, the owner or operator shall maintain records of annual emissions in tons per year, on a calendar year basis related to the modifications for 10 years following

resumption of regular operations after the change if the project involves increasing the emissions unit's design capacity or its potential to emit the regulated NSR pollutant; otherwise these records shall be maintained for five years following resumption of regular operations after the change. The owner or operator shall submit a report to the Director within 60 days after the end of each year during which these records must be generated. The report shall contain the items listed in 40 CFR 51.166(r)(6)(v)(a) through (c). The owner or operator shall make the information documented and maintained under this Paragraph available to the Director or the general public pursuant to the requirements in 40 CFR 70.4(b)(3)(viii).

(o) The references to the Code of Federal Regulations (CFR) in this Regulation are incorporated by reference unless a specific reference states otherwise. The version of the CFR incorporated in this Regulation is that published in the Federal Register July 20, 2011 as set forth here: <http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol2-sec51-166.pdf>, <http://www.gpo.gov/fdsys/pkg/CFR-1011-title40-vol3-sec52-21.pdf>, and with the amendment set forth on 76 FR 43507: <http://www.gpo.gov/fdsys/pkg/FR-2011-07-20/pdf/2011-17256.pdf> and does not include any subsequent amendments or editions to the referenced material. This Regulation is applicable as of its effective date in accordance with 40 CFR 51.166(b)(48) and (b)(49)(iv) and (v).

State History Note:

*Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.108(b); 150B-21.6;
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