

## CHAPTER 3

### FORSYTH COUNTY AIR QUALITY CONTROL<sup>1</sup>

#### SUBCHAPTER 3B - RELATIONSHIP TO STATE CODE

##### Section .0101 In General

(a) It is the intention of Forsyth County to establish an air quality technical code that follows the requirements of the Air Quality Code of the State of North Carolina, found in 15A NCAC 2D and 2Q, with necessary localization and minimum modifications and deviations from the State Code. Should the County adopt a provision that differs from the State's Rule, then such a departure from the State Code will be noted. Discussion in this subchapter of a difference between the State Code and the County Code is intended to facilitate comparison. Nothing in this subchapter should be construed as altering the intent, meaning or scope of any County Code provision.

(b) With the exception of modifications made to localize references, such as those noted in this Subchapter, any County Code language that is not identical to the corresponding State Code language is denoted by "[" at the beginning of the change and "]" at the end of the change. Any County provision that does not contain a word or words found in the State provision will note the deletion by "[ ]". The bracketed material will be footnoted, and the difference between the State and County Codes will be described. Footnotes which appear in Subchapters 3D and 3Q are for information only and are not adopted as part of the Forsyth County Code.

(c) 15A NCAC 2D and 2Q contain numerous references to the Division of Air Quality, the Director of that Division, and to other Rules of 15A NCAC 2D and 2Q, which would be inappropriate in the Forsyth County Code. The following changes in words, phrases, and references have been and will be made to State Code provisions as a matter of course. These deviations from the State regulations will not be further noted, nor will the system given in (b) above be used to identify them:

- (1) References to the "Director," "Regional Supervisor", "Regional Air Quality Supervisor", or "Regional Office Supervisor", which refer to the State official, or wording with the same intended meaning in State Code provisions have been changed to "Director" and refer to the Director of the Forsyth County Environmental Affairs Department;
- (2) "Division", "Air Quality Division", "air quality section", "North Carolina Division of Air Quality", "regional" (meaning regional office of the DAQ), "local air pollution agency" or "Division of Air Quality", or

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<sup>1</sup>**Cross references**--Buildings and building regulations, Ch. 7; erosion control, Ch. 9; fire prevention and protection, Ch. 10; zoning ordinance, Ch. 23.

**State law references**--Air pollution control, G.S. §143-215.105 *et seq.*; authority of Board of County Commissioners to establish, administer, and enforce a local air pollution control program. G.S. §143-215.112(c); authority to levy taxes to maintain and administer such program, G.S. §153A-149(c)(3).

- wording with the same intended meaning has been changed to the "Forsyth County Environmental Affairs Department" or "Department";
- (3) "Environmental Management Commission" or "Commission", or wording with the same intended meaning has been changed to the "Forsyth County Board of Commissioners";
  - (4) "State" and "North Carolina" has been changed to "County", except where the reference is to "State court", "Affected States" or "areas of the State";
  - (5) References to "15A NCAC 2D" or "Subchapter 2D" or to regulations contained therein have been changed to refer to the appropriate provision(s) of the Forsyth County Code, Subchapter 3D, Air Pollution Control Requirements;
  - (6) Reserved;
  - (7) References to "15A NCAC 2Q" or "Subchapter 2Q" or to regulations contained therein have been changed to refer to the appropriate provision(s) of the Forsyth County Code, Subchapter 3Q, Air Quality Permits. (Ord. No. 4-94, 5-23-94; Ord No. 9-94, 12-19-94)
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**THIS IS THE FEDERALLY APPROVED REGULATION AS OF OCTOBER 1, 2017**

	<b>Date Submitted To EPA</b>	<b>Date Approved by EPA</b>	<b>Federal Register</b>
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**Section .0102****Air Pollution Control Requirements (Subchapter 3D)**

(a) The following County Code provisions differ from the corresponding state Rules in the manner described:

- (1) .0103(a) - The state Rule designates the Department of Environment, Health and Natural Resources regional offices and their addresses for obtaining copies of the Federal Register. The county designates the Environmental Affairs Department and the department's address.
- (2) .0103(b) - The state Rule indicates that copies may be made at the regional offices. The county provides copying at the offices of the Environmental Affairs Department
- (3) .0104(b), (c) - The Forsyth County code delegates these provisions. The state code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The county will periodically update the code's references to CFR provisions. Also, the state code designates where Code of Federal Regulations (CFR) may be purchased and their 1992 price. Paragraph (c) pertaining to CFR is not necessary.
- (4) .0302(1) - The state Rule refers to local air pollution control programs. This is changed to the Forsyth County Environmental Affairs Department.
- (5) .0501(g) - The state Rule provides for the public's review of permits and permit applications at the state's regional offices. The county provides for review at the offices of the Environment Affairs Department.
- (6) .0501(g) - The state code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The Forsyth County code deletes this provision. The county will periodically update the code's references to CFR provisions.
- (7) .0501(h) - The state code provides for automatic incorporation by refence of amendments to ASTM test methods. The Forsyth County code deletes this provision. The county will periodically update the code's ASTM test methods.
- (8) .0501h) - The state Rule designates a different location for obtaining copies of the ASTM test methods. The county designated the Environmental Affairs Department with its address.
- (9) .0520(c) - The state Rules refers to the commission. The county Rule designates the director since the Forsyth County Board of Commissioners have delegated full responsibility and authority for enforcing the air quality control Rules and regulations.
- (10) .0520(d)(3)(E) - The state Rule refers to "appropriate departmental field office". The County code changes this to the Forsyth County Environmental Affairs Department.
- (11) .0520(d)(4) - Air quality section in the state code changed to Director in the County code.
- (12) .0520(d)(4)(A) - The state Rule refers to "appropriate departmental field office". The County code changes this to the Forsyth County

- Environmental Affairs Department.
- (13) .0520(d)(4)(C) - the state's regional office supervisor for the appropriate departmental field office may withhold approval of burning permits. The county code designates this authority to the director.
  - (14) .0522(a) through (f) - The County received permission from the N.C. Environmental Management Commission to adopt the County's present odor regulation. Therefore, the County elects to retain its existing order regulation.
  - (15) .0524(e) - The state code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The Forsyth County code delegates this provision. The county will periodically update the code's references to CFR provisions.
  - (16) .0525(b) - The county Rule differs from the corresponding state Rule in that the county Rule ends after the reference to Environmental Protection Agency, while the state Rule adds the following: "except that all such reports, applications, submittals, and other communications to the administrator required by 40 CFR 61.145 shall be submitted to the Director, Division of Epidemiology." The state asbestos NESHAP program has transferred to the Division of Epidemiology, which issues permits and charges fees. The EPA has delegated NESHAP authority to the Forsyth County Environmental Affairs Department for asbestos renovation and demolition enforcement in Forsyth County.
  - (17) .0525(e) - The state code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The Forsyth County code delegates this provision. The county will periodically update the code's references in the CFR provisions.
  - (18) .0530(o) - The state Rules refers to the commission. The county Rule designates the Director since the Forsyth County Board of Commissioners has delegated full responsibility and authority for enforcing the air quality control Rules and regulations.
  - (19) .0530(o) - The state Rule refers to Commission. The County code changes this to Director.
  - (20) .0531(a)(1)(B) - Forsyth County has no jurisdiction in other areas of the state, thus "any of the following areas and in that area" changed "Forsyth County" in the County code.
  - (21) .0531(a)(1)(B) - The County code deletes any references to other counties in the state because it has no jurisdiction.
  - (22) .0533(a)(7) - The state Rule refers to local air quality programs certified in the Commission. The Forsyth County Environmental Affairs Department is certified by the N.C. Environmental Management Commission, thus this references is deleted from the County code.
  - (23) .0538(e) - G.S. referenced removed because it is unnecessary.
  - (24) .2005(a) - The State "develops" the MOA for Transportation Conformity  
.0610 - The state code allows the director to delegate the administration of air pollutant monitoring and reporting to the regional supervisor. The

County code provides for the delegation of same to the division managers of the Forsyth County Environmental Affairs department.

- (25) .0802(5) - The County elected to print the definition of “complex source” into the “Transportation facility” definition rather than refer to it in the G.S.
- (26) .0902(a) - “Statewide” changed to “in Forsyth County” because the County code can not be effective statewide, only Forsyth County.
- (27) .0902(b) - All references to the other counties and areas are delegated because the County code is effective only in the County.
- (28) .0902(d) - Because of jurisdiction, any reference to “any of the following areas and in that area” changed to Forsyth County.
- (29) .0902(d) - All references to other counties and areas are deleted because the County code is effective only in the County.
- (30) .0913(c) - The state code provisions for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The Forsyth County code deletes this provision. The county will periodically update the code’s referenced in CFR provisions.
- (31) .0927(j) - The state Rule refers to Commission. The County code clarifies this as the North Carolina Environmental Management Commission.
- (32) .0928(j)(2) - Forsyth County can not regulate vapor-laden delivery vessels filled in North Carolina, but can regulate those filled in Forsyth County. Thus, North Carolina changed to Forsyth County.
- (33) .0943(m) - The state code provides for automatic incorporation by reference of amendments to CFR provisions already references in the code. The Forsyth County code deletes this provision. The county will periodically update the code’s references to CFR provisions.
- (34) .0953(g)(1) - The state Rule designates the Department of Environment, Health, and Natural Resources regional offices and their addresses for inspecting a copy of “Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Volume II: Appendices”. The county designates the Environmental Affairs Department and that department’s address.
- (35) .0953(g)(2) - The state code provides for automatic incorporation by refence of amendments to ASTM test methods. The Forsyth County Code deletes this provision. The county will periodically update the code’s ASTM test methods.
- (36) .0953(g)(2) - The state Rule designates a different location for obtaining copies of the ASTM test methods. The county designated the Environmental Affairs department with its address.
- (37) .0954(k) - The state Rule designates the Department of Environment, Health, and Natural Resources regional offices and their addresses for inspecting a copy of “Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Volume II: Appendices”. The county designates the Environmental Affairs Department and that department’s address.

- (38) .1203(d) - G.S. 150B-14(c) applies only to state agencies adopting by reference, thus it is deleted from the County code. (Ord. No. 4-94, 5-23-94; 12-19-94)

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**Section .0103      Air Quality Permits (Subchapter 3Q)**

(a) The following County Code provisions differ from the corresponding State Rules in the manner described:

- (1) .0102(a)(2) - This County Rule differs from the corresponding State Rule in that the County Rule ends after the reference to 40 CFR Part 60, while the State Rule adds the following: "except asbestos demolition and renovation activities." The State asbestos NESHAP program has been transferred to the Division of Epidemiology, which issues permits and charges fees. The EPA has delegated NESHAP authority to the FCEAD for asbestos renovation and demolition enforcement in Forsyth County.
- (2) .0102(b)(1)(A)(ii) - The State provision does not include the "non-asbestos" qualifier before "insulation removal," since the State asbestos NESHAP program has been transferred to the Division of Epidemiology. The EPA has delegated NESHAP authority to the FCEAD for asbestos renovation and demolition enforcement in Forsyth County.
- (3) .0102(b)(1)(D)(ii) - The State code provision adds the following phrase: "except Stage I controls under 15A NCAC 2D .0928." The County enforces a Stage I Vapor Recovery Program pursuant to Subchapter 3D .0928. Stage I controls are considered an applicable requirement in Forsyth County and such tanks are not exempted because of category.
- (4) .0102(b)(1)(G) - Paragraph (G) of the State code section states as follows: "gasoline distribution: gasoline service stations or gasoline dispensing facilities that are not required to be permitted under Section .0500 of this Subchapter." Gasoline service stations or gasoline dispensing facilities are not exempted by category from permitting requirements in Forsyth County. These facilities are subject to permitting in the County under the Stage One Vapor Recovery Program.
- (5) .0102(b)(2)(A) - The County provision excludes storage tanks regulated by

Subchapter 3D .0928, .0953 and .0954 from the list of activities exempted because of size or production rate. This difference from the State Rule is a result of the County's Stage One Vapor Recovery Program. The State code exempts all storage tanks that meet the requirements of .0102(b)(2)(A)(i) and (ii).

- (6) .0102(b)(2)(C) - The State provision exempts because of size or production rate "bulk gasoline plants with an average daily throughput of less than 4000 gallons that is not required to be permitted under Section .0500." The County deletes this exemption, since such plants are regulated by Subchapter 3D .0926, and subject to the County's Stage One Vapor Recovery Program.
- (7) .0103(22) - The General Statute reference changed to reference Chapter 3 of the Forsyth County Code.
- (8) .0103(28) - The General Statute referenced definition is replaced by the actual definition.
- (9) .0104(a) - The State Rule designates a different official and address for obtaining and submitting application forms. The County designates the Director of the Environmental Affairs Department and that department's address.
- (10) .0105(a) - The State Rule provides for public inspection of federal regulations at regional offices of the Department of Environment, Health, and Natural Resources. The County provides for inspection at the offices of the Environmental Affairs Department.
- (11) .0105(b) -The State Rule provides for the public's review of permits and permit applications at the State's Central Files Office. The County provides for review at the offices of the Environmental Affairs Department.
- (12) .0106(b) - Section .0106(b) of the State code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the code. The Forsyth County code deletes this provision. The County will periodically update the codes references to CFR provisions.
- (13) .0107(a) - Confidential information is submitted to the Director in Forsyth County.
- (14) .0107(a) - The General Statute reference is deleted in the County code.
- (15) .0108 - The corresponding State code section provides that the Director may delegate these tasks to •the Deputy Director, the Chief of the Air Quality Section, the regional office supervisor, any air quality supervisor in the regional offices, or any supervisor in the Permitting Branch of the Air Quality Section as he considers appropriate. The County Rule provides for delegation to certain staff of the Environmental Affairs Department.
- (16) .0201(a) - The State and County have differing fee systems.
- (17) .0201(b) and (c) - The State and County have differing fee systems.
- (18) .0202(6) and (7) - Reference changed to Forsyth County's Title V program.
- (19) .0203(a) - The State and County have differing fee systems.
- (20) .0203(b) - The State and County have differing fee systems.
- (21) .0203(b) - The State and County have differing fee systems.
- (22) .0203(i) - The State and County have differing fee systems.
- (23) .0203(k) and (l) - The State and County have differing fee systems.

- (24) .0204 - The corresponding State regulation provides for inflation adjustment annually on January 1st of each year. The County code provides that such adjustment be made on July 1st of each year.
- (25) .0205(a) - The State code provides for a 25 percent discount of annual permit fees to a facility that has demonstrated compliance with all air quality requirements by not receiving a Notice of Violation or Notice of Non-compliance during the previous calendar year. Forsyth County gives no such discount.
- (26) .0206(a) - The County Rule provides for payment of fees "by check or money order made payable to the Forsyth County General Fund. The State Rule directs that payment be made to the Department of Environment, Health and Natural Resources.
- (27) .0206(d) - The General Statute reference is deleted in the County code.
- (28) .0207(2) - The County Rule deletes references found in the State Rule to other counties.
- (29) .0302(b)(2) - This County Rule differs from the corresponding State Rule in that the County Rule ends after the reference to 40 CFR Part 61, while the State Rule adds the following: •except asbestos demolition and renovation activities. The State asbestos NESHAP program has been transferred to the Division of Epidemiology, which issues permits and charges fees. The EPA has delegated NESHAP authority to the FCEAD for asbestos renovation and demolition enforcement in Forsyth County.
- (30) .0304(b)(1) - The N.C. provision requires submission of a consistency determination letter from local government indicating that all zoning or subdivision ordinances have been met. The County code deletes this requirement.
- (31) .0304(b)(2) - The General Statute reference is deleted in the County code.
- (32) .0305(a)(1)(B) - The N.C. provision requires submittal of a consistency determination. The County code does not.
- (33) .0306(d) - The General Statute reference is changed to a Forsyth County Code reference.
- (34) .0306(e) - The Director approves permits containing conditions as pan of the SIP in the County code.
- (35) .0306(e) - The Director submits permits to the EPA for inclusion as pan of the SIP in the County code.
- (36) .0307(h) - The N.C. provision requires an annual payment of \$30 for placement on the mailing list for air quality permit notices. The County code deletes this requirement.
- (37) .0308(a)(1) and (3) - The General Statute reference is changed to a Forsyth County Code reference.
- (38) .0308(b) - The General Statute reference is changed to a Forsyth County Code reference.
- (39) .0309(a)(6) - The General Statute reference is changed to a Forsyth County Code reference.
- (40) .0309(b) - The General Statute reference is deleted in the County code.
- (41) .0503(5) - The General Statute reference is changed to a Forsyth County Code



- reference.
- (42) .0503(21)(A) - The County code deletes the following phrase from the State code provision: "for the respective Standard Industrial Classification." Section .0506 of the County code differs from the corresponding State code section in that sources known to be governed by Section .0500 are specified by premise number for submittal of an application, while other sources or possible sources are called by SIC number. The definition of "timely" for initial permit submittals has been changed to mean within the time specified for submittal in the County code.
  - (43) .0505(1)(B) - The N.C. provision requires return of the permit application package if a consistency determination is not submitted with it. The County code does not require submission of the consistency determination.
  - (44) .0506 - Initial permit applications by sources known to be subject to the requirements of this section are called by premise number in the County code. Any source not specifically called by premise number for an initial permit application must follow the direction of Sec. .0506(a)(1) through (3) to determine the appropriate time for initial permit application submittal.
  - (45) .0507(d)(1) - The N.C. provision requires that a consistency determination be filed along with filing a complete application form. The County code deletes this requirement.
  - (46) .0507(d)(2) - The General Statute reference is deleted in the County code.
  - (47) .0518(a)(1) and (3) - The General Statute reference is changed to a Forsyth County Code reference.
  - (48) .0519(a)(7) - The General Statute reference is changed to a Forsyth County Code reference.
  - (49) .0519(b) - The General Statute reference is deleted in the County code.
  - (50) .0521(h) - The N.C. provision requires payment of a \$30 fee for placement on the mailing list for air quality permit notices. The County code deletes this requirement.
  - (51) .0602(4) - The General Statute definition reference is replaced with the definition.
  - (52) .0605(a)(1) and (3) - The General Statute reference is changed to a Forsyth County Code reference.
- (b) During the recodification of Chapter 3 of the Forsyth County Code the following modifications have taken place in order to change the County code to a format similar to the State's air Quality Control regulations:
- (1) "Forsyth County Code, Chapter 3, Article VIII, Registration of Air Contaminant Sources, Sections 3-121 and 3-122" changed to Subchapter 3D .0200 or Subchapter 3D .0202;
  - (2) "Forsyth County Code, Chapter 3, Article VI, Ambient Air Quality Standards" changed to Subchapter 3D .0400;
  - (3) "Forsyth County Code, Chapter 3, Article IV, Visible Emissions; Article V, Odorous Emissions; Article IX, Air Contaminant Emission Control Standards; Article XVI, Prevention of Significant Deterioration; and Administrative Procedures, Part M, Malfunction/Breakdown and Start Up/Shutdown Procedures"

- changed to Subchapter 3D .0500;
- (4) "Forsyth County Code, Sections 3-137, Purpose of article: all sources to be provided with maximum feasible control and 3-138, Compliance with emission control standards and Administrative Procedures, Pan G-1.4, The Bubble Concept;" changed to Subchapter 3D .0501;
  - (5) "Administrative Procedures, Pan G-1.4, The Bubble Concept " changed to Subchapter 3D .0501(t);
  - (6) "Forsyth County Code, Section 3-139, Particulate matter emissions from fuel-burning indirect heat exchangers" changed to Subchapter 3D .0503;
  - (7) "Forsyth County Code, Section 3-140, Particulate matter emissions from wood-burning indirect heat exchangers" changed to Subchapter 3D .0504;
  - (8) "Forsyth County Code, Section 3-152(2), Emissions from plants producing sulfuric acid" changed to Subchapter 3 D .0517(2);
  - (9) "Forsyth County Code, Section 3-164, Vapor or gas emissions from stationary tanks containing carbon and hydrogen; Section 3-165, Restriction on loading of volatile organic compounds; Section 3-166, Emissions from operations involving photochemically reactive material; and Section 3-167, Alternative control standards" changed to Subchapter 3D .0518;
  - (10) "Forsyth County Code, Section 3-158, New source performance standards" changed to Subchapter 3D .0524;
  - (11) "Forsyth County Code, Section 3-159, National emission standards for hazardous air pollutants" changed to Subchapter 3D .0525;
  - (12) "Forsyth County Code, Section 3-155, Total reduced sulfur from kraft pulp mills changed to Subchapter 3D .0528;
  - (13) "Forsyth County Code, Section 3-160, Fluoride emissions from primary aluminum reduction plants" changed to Subchapter 3D .0529;
  - (14) "Forsyth County Code, Article XVI, Prevention of Significant Deterioration" changed to Subchapter 3D .0530;
  - (15) "Forsyth County Code, Section 3-162, Sources in nonattainment areas" changed to Subchapter 3D .0531;
  - (16) "Forsyth County Code, Section 3-163, Sources contributing to an ambient violation" changed to Subchapter 3D .0532;
  - (17) "Forsyth County Code, Section 3-168(a)(4)a., b., or c." changed to Subchapter 3D.0533(a)(4)(A),(B), or (C);
  - (18) Administrative Procedures, Part M, Malfunction/Breakdown and Start Up/Shutdown Procedures• changed to Subchapter 3D .0535;
  - (19) "to Forsyth County Code, Article XIV, Complex Sources• changed to subchapter3D .0800;
  - (20) Forsyth County Code, Article XVII, Control Standards for Sources of Volatile Organic Compounds" changed to Subchapter 3D .0900;
  - (21) "Forsyth County Code, Section 3-297, Graphic arts: changed to Subchapter 3D.0936;
  - (22) "Forsyth County Code, Article XVIII, Control of Toxic Air Pollutants" changed to Subchapter 3D .1100;
  - (23) "Forsyth County Code, Section 3-333, Toxic air pollutant guidelines" changed

- to Subchapter 3D .1104;
- (24) "Forsyth County Code, Section 3-338, Case-by-case maximum achievable control technology" changed to Subchapter 3D .1109;
  - (25) "Forsyth County Code, Article XIX, Control of Emissions From Incinerators changed to Subchapter 3D .1200;
  - (26) "Forsyth County Code, Section 3-340, Purpose and scope and Section 3-341, Definitions" changed to Subchapter 3D .1201;
  - (27) "Forsyth County Code, Section 3-344(b)(3)" changed to Subchapter 3D. 1205(b)(2);
  - (28) "Forsyth County Code, Section 3-189, Fees" changed to Subchapter 3 H .0611;
  - (29) "Forsyth County Code, Section 3-192, Permit requirements for toxic air pollutants;" changed to Subchapter 3H .0610; and,
  - (30) "G.S. 143-215.108" changed to refer to G.S. 143-215.112, Local Air Pollution Control Programs. (Ord. No. 4-94, 5-23-94; Ord. No. 9-94, 12-19-94)

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