

ARTICLE IX. AIR CONTAMINANT EMISSION CONTROL STANDARDS

Sec. 1-135. Emission control Standards.

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 contaminant sources, both combustion and non-combustion.

(b) After the effective date of any emission control standard, all sources of air contamination shall register with the Western North Carolina Regional Air Pollution Board in accordance with the provisions of Sections 1-121.-1-126. of these regulations.

(c) In determining compliance with emission control standards, shall be provided by the owner to allow periodic sampling and measuring of emission rates including necessary ports, scaffolding and power to operate sampling equipment; and upon the request of the Western North Carolina Regional Air Pollution Control Board, data on rates of emissions shall be supplied by the owner.

(d) Testing to determine compliance shall be in accordance with the following procedures, except as may be otherwise required in Sections 1-158, Sec. 1-159, Sec. 1-103, and Sec. 1-204.

(1) Method I of Appendix A of 40 CFR 60 (CFR refers to "Code of Federal Regulations" as of June 5, 1985) shall be used to select a suitable site and the appropriate number of test points for the following situations:

(A) particulate testing,

(B) velocity and/or volume flow- rate measurements,

(C) testing for acid mist or other pollutants which occur in liquid droplet form,

(D) any sampling for which velocity and/or volume flow rate measurements are necessary for computing final test results, and

(E) any sampling which involves a sampling method which specifies isokinetic sampling. (Isokinetic sampling is sampling in which the velocity of the gas at the point of entry into the sampling nozzle is equal to the velocity adjacent to the nozzle.)

Method 1 will be applied as written with the following clarifications: Testing installations with multiple breechings can be accomplished by testing the discharge stack(s) to which the multiple breechings exhaust. If the multiple breechings are individually tested, then Method 1 must be applied to each breeching individually. If test ports are located in a duct that is less than two and one-half diameters (or equivalent diameters), the acceptability of the test location will be subject to the approval or disapproval of the Director, Western North Carolina Regional Air Pollution Control Agency, or his delegate. For such ducts (less than two and one-half diameters in length), the maximum number of test points specified by Method 1 will be used.

(2) Method 2 of Appendix A of 40 CFR 60 as of June 5, 1985, will be applied written and used concurrently with any test method in which velocity and/or volume flow rate measurements are needed for computing final test results.

(3) Sampling procedures for determining compliance with particulate emission control standards shall be in accordance with Method 5 Appendix A of 40 CFR 60 as of June 5, 1985. The minimum time per test point for particulate testing shall be two minutes and the minimum time per test run will be one hour. The sample gas drawn during each test run must 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. The materials cannot be satisfactorily collected by means of the above Method 5. In such cases the Board will reserve the option to 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 through determination of sulfur content through fuel analysis or by stack sampling. If a source elects 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 (ASIM) methods:

(A) coal:

- (i) sampling--ASIM Method D 2234;
- (ii) preparation--ASIM Method D 2013;
- (iii) gross calorific value (BTU)-- ASIM Method D 2015;
- (iv) moisture content --ASIM Method D 3173;
- (v) sulfur content--ASIM Method D 3177;

(B). oil:

- (i) sampling--ASIM Method D 270;
- (ii) heat of combustion. (BTU) --ASIM Method D 240;
- (iii) sulfur content--ASIM Method D 129.

The sulfur content and BTU content of the fuel shall be reported on a dry basis. Combustion sources electing to demonstrate compliance through stack sampling shall follow procedures set forth in Method 6 of Appendix A of 40 CFR as of June 5, 1985.

(5) Sulfuric acid manufacturing plants and spodumene ore roasting plants will demonstrate compliance with Sec. 1-152, of this Article through the use of Method 8 of Appendix A of 40 CFR 60. as of June 5, 1985.

(6) All other industrial processes emitting sulfur dioxide shall demonstrate compliance of sampling procedures as set forth in Method 6 of Appendix A of 40 CFR as of June 5, 1985.

(7) Sampling procedures to demonstrate compliance with emission standards for nitrogen oxides shall be in accordance with the procedures set forth in Method 7 of Appendix A of 40 CFR 60 as of June 5, 1985.

(8) Notwithstanding the stated applicability to new source performance standards or primary aluminum plants, the procedures to be used to determine fluoride emissions are:

(A) for sampling emissions from stacks, Method 13 A or 13 B of Appendix A of 40 CFR 60 as of June 5, 1985.

(B) for sampling emissions from roof monitors not employing stacks or pollutant collection systems, Method 14 of Appendix A of 40 CFR 60 as of June 5, 1985, and

(C) for sampling emissions from roof monitors not employing stacks but equipped with pollutant collection systems, the procedure under 40 CFR 60.8 as of June 5, 1985

(b) except the Director of Western North Carolina Regional Air Pollution Control Agency shall be substituted for the administrator.

(9) 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 as proposed in the Federal Register of June 18, 1981, pages 31905 through 31909.

(10) Each test (excluding fuel samples) shall consist of three repetitions or runs of the applicable test method. For the purpose of determining compliance with an applicable emission standard the average of results of all repetitions shall apply.

(11) in conjunction with performing certain test methods prescribed herein it will be necessary to determine gas composition with respect to carbon dioxide, oxygen, carbon monoxide and nitrogen for the purpose of determining the molecular weight of the gas being sampled. Collecting a sample for this purpose shall be done in accordance with Method 3 of Appendix A of 40 CFR 60 as of June 5, 1985.

(A) The grab sample technique may also be used with instruments such as Bacharach Pyrite (trade name) with the following restrictions;

(i) Instruments such as the Bacharach Pyrite (trade name) may only be used for the measurement of carbon dioxide.

(ii) Repeated samples must be taken during the emission test run to account for variations in the carbon dioxide concentration. No less than four samples should be taken during a one-hour test run, but as many as necessary should be taken to produce a reliable average.

(iii) The total concentration of gases other than carbon dioxide, oxygen and nitrogen must be less than one percent.

(B) For fuel burning sources, concentrations of oxygen and nitrogen can be calculated from combustion relations for various fuels.

(12) For those processes for which the allowable emission rate is determined by the production rate, provisions must be made for controlling and measuring the production rate. It

will be the responsibility of the source to ensure, within the limits of practicality, that the equipment or process being tested is operated at or near its maximum normal production rate or a lesser rate if specified by the Director, Western North Carolina Regional Air Pollution, or his delegate. It will be the responsibility of the individual conducting the emission test to include with his test results data which accurately represents the production rate during the test.

(13) Emission rates for wood or fuel burning sources which are expressed in units of pounds per million BTU are to be determined by means of a method described in 40 CFR 60.45 as of June 5, 1985. This method, commonly referred to as the "F-factor method," requires the use of carbon dioxide or oxygen measurements, and a higher order of accuracy is necessary in these measurements than might be expected for a molecular weight determination. To provide data of sufficient accuracy to use with the F-factor method a constant-rate, integrated (bag) sample must be taken for the duration of each test run. In case of simultaneous testing, there should be a separate bag for each sampling train. The bag sample must be analyzed with an orsat analyzer in accordance with Method 3 of Appendix A of 40 CFR 60. as of June 5, 1985. (The number of analyzers 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 must be followed.

(14) Upon prior approval by the director or his delegate, test procedures different from those set forth herein may be used. Furthermore, the director or his delegate will have the option to prescribe alternate test procedures on an individual basis when he deems that such action is necessary to secure reliable test data. In the case of sources for which no test method is specified, the director or his delegate has the authority to prescribe or approve methods on an individual basis.

(e) All existing sources of emission shall comply with applicable regulations and standards at the earliest possible date with all sources being in compliance within three years from the approval of the state's implementation plan by the federal government. All new sources shall be compliance prior to commencing operations.

(f) In addition to any control or manner of operation necessary to meet emission standards in this Section, any source of air contamination shall be operated with such controls or in such manner that the source shall not cause the ambient air quality standards in Sec. 1-89.--1-96. of Article VI to be exceeded at any point beyond the premises on which the source is located. \men controls more stringent than specified 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 such controls.

(g) 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 given pollutant through a different mix of controls than that required by the regulations in this Section:

(1) In order for this mix of alternative controls to be permitted the director must determine that the following conditions are met:

(A) Sec. 1-158. and Sec. 1-159. of this Article, the Federal New Source Performance Standards (NSPS), the Federal National Emission Standards for

Hazardous Air Pollutants (NESHAPS), lowest achievable emission rate limitations required by regulations established pursuant to 40 CFR 51.18 (j) as of June 5, 1985, regulations established pursuant to Sec. III (d) of the Federal Clean Air Act, and State or Federal Prevention of Significant Deterioration (PSD) requirements, do not apply to any source being proposed for inclusion in the 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) Reviewing an application for and enforcing a permit allowing the proposed mix of alternative controls will not require excessive expenditures on the part of the State.

(2) The owner (s) or operator (s) of the facility (facilities) must 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 PSD program; such demonstration must 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 source criteria pollutants used in alternative emission control strategies are subject to the limitations as defined in 44 FR 71784 (December 11, 1979), Subdivision D.I.c.i.i. (FR means Federal Register). Such demonstrations of equivalence must be performed with at least the same level of details as the North Carolina State Implementation Plan for Air Quality demonstration of attainment for the area in question. Moreover, if the facility wishes to involve another facility in the alternative strategy, it must complete a modeling demonstration to ensure that air quality is protected. Demonstration of equivalency must 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') permit (s).

(4) Compliance schedules and enforcement actions shall not be affected by the fact that an application for an alternative mix of controls is being prepared or is being reviewed.

Revised June 5, 1985.

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Sec. 1-136. Purpose of article; all sources to be provided with maximum feasible control.

It is the purpose of the following emission control standards 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.

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Sec. 1-137. Malfunction Regulations.

Malfunction, start-up and shut down:

- (a) For the purpose of 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 Secs. 1-138. - 1-157. of this Article or by a permit condition.

(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 emission. Excess emissions during periods of routine start-up and shut-down of process equipment are not considered to be 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 are not considered a malfunction.

(3) "Start-up" means the commencement of operation of any source which has shut-down or ceased operation for a period of time sufficient to cause temperature, pressure, process, chemical, or pollution control device imbalance which would result in excess emission.

(4) "Shut-down" means the cessation of the operation of any source for any purpose.

(b) This Regulation does not apply to sources to which Regulation Sec. 1-158-

Sec. 1-159. of this Article applies or to which 40 CFR Part 60 or 61 as of March 13, 1985, applies.

(c) Any excess emissions 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, in a manner consistent with good practice for minimizing emissions;

(2) Repairs have been made in 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 subject to a regulation in this Article shall have a malfunction abatement plan approved by the director. In addition, the director may require any source that he has determined to have had a history of excess emissions to have a malfunction abatement plan approved by the director. 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 minimum:

- (1) a complete preventive maintenance program including:
 - (A) the identification of the 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 which shall be maintained in inventory for quick replacement;
- (2) an identification of the source and air cleaning operation variables and outlet variables such as opacity, train loading, and pollutant concentration, that may be monitored in order to detect a malfunction or failure: the nominal 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 will be taken in the event of a malfunction or failure in order 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 the shorter time interval. If it is anticipated that the malfunction would continue for more than 15 days, a case-by-case repair schedule will be established by the director in conjunction 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 is satisfactory, the director shall approve it. If the plan does not adequately 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 satisfactorily amend the plan as required by the director within a period of time prescribed by the director. 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 which last for more than four hours and which 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 within 24 hours of 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, if requested, to the director within 15 days after the request a written report which 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 Regulation Sec. 1-135 this Article to demonstrate compliance.

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Sec. 1-138. Control of Particulate From Fuel Burning Sources

(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	Allowable Emission Limit For Particulate Matter 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 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 $E = 1.090 \text{ times } Q \text{ to the } -0.2594 \text{ power}$. 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, pro- ducts, 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, excluding-wood and refuse not burned as a fuel, which are burned in an indirect heat exchanger and whose products of combustion pass through a stack or stacks. The total maximum heat input, excluding heat input from the combustion of wood and refuse not burned as a fuel, of all indirect heat exchangers on a plant or pre- mises shall be used to determined the allowable emission limit. For residential facilities, or institutions (such as military and education) whose primary fuel burning capacity is for comfort heat, only those indirect heat exchangers located in the same power plant or building or otherwise physically interconnected (such as camion flues, steam, or power distribution line) shall be used to determined the total heat input.

If new fuel burning equipment is added to a facility, the addition of new fuel burning equipment shall not change the emission limit for fuel burning equipment already in operation. .

(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 $E_e = (E_w) (Q_w) + (E_o) (Q_o) / Q_t$.

(1) E_e = the emission limit for combination or combined emission source (s) in lb/million BTU.

(2) E_w = premise emission limit for wood only as determined by Section 1-140 of this Section in lb/million BTU.

(3) E_o = the premi.se emission limit for other fuels only as detennined.by Paragraphs (a), (b) and (c) of this Regulation in lb/million BTIJ.

(4) Q_w = the actual wood heat input to the combination or combined emission source (s) in BTU/hr.

(5) Q_o = the actual other fuels heat input to the combination or combined emission source (s) in BTU/hr.

(6) $Q_t = Q_w + Q_o$ and is the actual total heat input to combination or combined emission source (s) in BTU/hr.

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Sec. 1-140. Particulates From Wood Burning Indirect Heat Exchangers.

(a) 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 $E = 1.1698 \text{ times } Q \text{ to the } -0.2230 \text{ power}$. E = allowable emission limit for particulate matter in lb/million BTU. Q = maximum heat input in million BTU/hour.

(b) This Regulation applies to installations in which wood is burned for the primary purpose of producing heat or power by indirect heat transfer.

(c) 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 indirect heat exchangers burning wood on a plant or premises shall be used to determine the allowable emission limit. If new fuel burning equipment is added to a facility, the addition of the new fuel burning equipment shall not change the emission limit for fuel burning equipment already in operation.

(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 combination basis shall be calculated by the procedure described in Paragraph (d) of Section 1-138. of this Article.

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Sec. 1-141. Control Of Particulates From Incinerators.

(a) The emission of particulate matter from any stack or chimney of an incinerator shall not exceed:

Refuse Charge In lb/Hour	Allowable Emission Rate For Particulate Matter In Lb/Hour
0 to 100	0.2
200	0.4
500	1.0
1,000	2.0
2,000 and Above	4.0

For a refuse charge between any two consecutive rates stated in the preceding table, the allowable emissions rate for particulate matter shall be calculated by the equation $E = 0.002 P$. E = allowable emission rate for particulate matter in lb/hour. P = refuse charge in lb/hour.

(b) If the particulate emissions from any incinerator do not exceed 0.08 grains per dry standard cubic foot corrected to 12 percent carbon dioxide, Paragraph (a) of this Regulation shall not apply.

(c) Any incinerator that is used for the purpose of incinerating hospital waste or pathological waste, shall have a retention time of two (2) seconds in the secondary chamber, and a minimum temperature of 1800° F in the secondary chamber.

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Sec. 1-142. Control of particulates From Hot Mix Asphalt Plants

(a) No person shall cause, suffer, allow or permit particulate matter resulting from the operation of a hot mix asphalt plant to be discharged into the atmosphere in excess of the rates set forth in the following table:

Aggregate Process Rate Tons/Hour	Maximum Allowable Emission Of Particulate Matter in lbs. /Hour
5	10
10	13
15	16
20	18
25	20

50	27
100	37
150	42
200	50
250	52
300 and Above	60

For rates between any two consecutive rates stated in the preceding table, maximum allowable emissions of particulate matter shall be calculated by the equation $E = 4.9445 \text{ times } P \text{ to the } .4376 \text{ power}$ where E = maximum allowable emissions of particulate matter in lbs./hour and P = aggregate process rate in tons/hour.

(b) All hot mix asphalt plants shall be equipped with a fugitive dust control system 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.

(c) The owner or operator of the plant shall maintain dust control of the plant premises and access roads by paving, oil treatment, or other suitable measures.

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Sec. 1-143. Particulates From Chemical Fertilizer Manufacturing Plants

(a) No person shall cause, suffer, allow, or permit particulate matter caused by the manufacture, mixing, handling or other operations in the production of chemical fertilizer materials to be discharged from any stack or chimney into the atmosphere in excess of the rates set forth in the following table:

Process Rate in Tons/Hour	Maximum Allowable Emission Of Particulate Matter in Lbs./Hour
10	19.0
20	23.5
40	29.1
50	31.1
100	38.5

500

63.1

1,000

78.0

For a production rate between any two consecutive rates stated in the preceding table, the allowable emissions rate for particulate matter shall be calculated by the equation $E = 9.377 \text{ times } P \text{ to the } 0.3067 \text{ power}$. E = the allowable emission rate for particulate matter in lb/hour. P = process rate in tons/hour.

(b) Tile process rate for chemical fertilizer manufacturing operations shall be considered as the sum of the production rate and the recycle rate.

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Sec. 1-144. Particulate matter and Reduced Sulfur emissions from pulp and paper mills.

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

(1) “Total reduced sulfur (TRS)” means the sum of the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethy disulfide, that are released during the kraft pulp operation.

(2) “Kraft Pulp Mill” means any facility that produces pulp from wood by cooking (digesting) wood chips in a water solution of sodium hydroxide and sodium sulfide (white liquor) at high temperature and pressure. Regeneration of cooking chemicals through a recovery process is also considered part of the kraft pulp mil..

(3) “Recovery furnace” means either a straight kraft recovery furnace or a cross recovery furnace and includes the direct-contact evaporator for a direct-contact furnace.

(4) “Cross recovery furnace” means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains more than seven percent by weight of the total pulp sulfides from neutral sulfite semichemical process and has a green liquor Sulfidity of more than 28 percent.

(5) “Straight kraft recovery furnace” means a furnace used to recover chemicals consisting primarily of sodium and sulfur compounds by burning black liquor which on a quarterly basis contains seven percent by weight or less of the total pulp sulfide from the neutral sulfite semi-chemical process or has a green liquor Sulfidity of 28 percent or less.

(6) “Old design recovery furnace” means a straight kraft recovery furnace that does not have membrane wall or welded wall construction or emission control designed air systems.

(7) “New design recovery furnace” means a straight kraft recovery furnace that has both membrane wall or welded wall construction and emission control designed air systems.

(8) “Neutral sulfite semichemical pulping operation” means any operation in which pulp is produced from wood by cooking (digesting) wood chips in a solution of sodium sulfite and sodium bicarbonate, followed by mechanical defibration (grinding).

(9) “Digester system” means each continuous digester or each batch digester used for the cooking of wood in white liquor, and associated flash tanks, blow tanks, chip steamers and condensers.

(10) “Multiple-effect evaporator system” means the multiple-effect evaporators and associated condensers and hot wells used to concentrate the spent cooking liquor that is separated from the pulp (black liquor).

(11) “Lime kiln” means a unit used to calcine lime mud, which consists primarily of calcium carbonate, into quicklime which is calcium oxide.

(12) “Condensate stripper system” means a column, and associated condensers, used to strip, with air or steam, total reduced sulfur compounds from condensate streams from various processes within a kraft pulp mill.

(13) “Smelt dissolving tank” means a vessel used for dissolving the smelt collected from the recovery furnace.

(14) “Black liquor solids” means the dry weight of the solids which enter the recovery furnace in the black liquor.

(15) “Green liquor Sulfidity” means the Sulfidity of the liquor which leaves the smelt dissolving tank.

(b) This Regulation shall be applicable to recovery furnaces, digester systems, multiple-effect evaporator systems, lime kilns, smelt dissolving tanks and condensate stripping system of kraft pulp mills not subject to Sec. 1-158.

(c) No owner or operator of a kraft pulp mill subject to this Regulation may cause, allow or permit the discharge into the atmosphere of total reduced sulfur in excess of:

- (1) 20 parts per million from any old design recovery furnace,
- (2) five parts per million from any new design furnace,
- (3) 25 parts per million from any cross recovery furnace,

- (4) five parts per million from any digester system,
 - (5) five parts per million from any multiple-effect evaporator system,
 - (6) 20 parts per million from any lime kiln,
 - (7) five parts per million from any condensate, stripping system, and
 - (8) 0.0168 pounds per ton of black liquid solids (dry weight) from any smelt dissolving tank.
- (d) the emission limitations given in Paragraphs (c)(1) through (c)(7) of this Regulation are measured as hydrogen sulfide on a dry gas basis and are averages of discrete contiguous 12-hour time periods. The emission limitation given in Paragraphs (c)(1) through (c)(3) of this Regulation are corrected to eight percent oxygen by volume, and the emission limitation given in Paragraph (c)(6) of this Regulation is corrected to 10 percent oxygen by volume.
- (e) One percent of all 12-hour total reduced sulfur averages per quarter year in excess of the limitations given in Paragraphs (c)(1) through (c)(3) of this Regulation, in the absence of start-ups, shut-downs and malfunctions, shall not be considered in violation. Two percent of all 12-hour total reduced sulfur averages per quarter year in excess of the limitation given in Paragraph (c)(6) of this Regulation in the absence of start-ups, shut-downs, and malfunctions, shall not be considered a violation.
- (h) No person shall cause, suffer, allow or permit particulate matter re-sulfting from the production of pup and paper to be discharged from any stack or chimney into the atmosphere in excess of the following:

	Maximum Allowable Emission of Particulate in Lbs/equivalent Ton of Air Dried Pulp
Recovery Furnace Stack	3.0
Dissolving Lime Vent	0.6
Lime Kiln Stack	0.5

- (i) No person shall cause, suffer allow, or permit emissions from any kraft pulp recovery boiler established after January 24, 1972, to exceed an opacity of thirty-five (35) per cent for an average of more than five (5) minutes in any one hour or more that twenty (20) minutes in any twenty-four (24) hour period.

This standard shall be effective from and after June 1, 1980.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF October 1, 2017

**Date Submitted
To EPA**

**Date Approved
by EPA**

**Federal
Register**

Sec. 1-145. Particulate matter emissions from processing mica or feldspar.

(a) No person shall cause, suffer, allow or permit particulate matter caused by the processing of mica or feldspar to be discharged from any stack or chimney into the atmosphere in excess of the rates set forth in the following table:

Actual Process Weight Rate Tons/ Hour	Maximum Allowable Rate
	Of Emission of
	Particulate Matter lbs/hour
1	4.0
10	19.0
30	40.0
100	50.0
1,000	80.0
3,000	90.0

(b) For process rates between 1 and 30 tons per hour, the allowable emission rate for particulate matter shall be calculated by the equation $E = 4 \text{ times } P \text{ to the } 0.677 \text{ power}$. For process rates between 30 and 1,000 tons per hour, the allowable emission rate for particulate matter shall be calculated by the equation $E = 20.421 \text{ times } P \text{ to the } 0.1977 \text{ power}$. For process

rates between 1,000 and 3,000 maximum allowable emissions for particulate matter shall be calculated by the equation $E = 38.147 \text{ times } P \text{ to the } 0.1072 \text{ power}$. E = the allowable emission rate for particulate matter in lb/hour. P = actual process weight rate in tons/hour.

(c) The owner or operator of the plant shall maintain dust control of the plant premises and access roads by paving, oil treatment, or other suitable means.

(d) All stone crushing operations shall employ a water spray over the crusher or other dust control devices as may be approved by the Board.

This standard shall be effective from and after November 18, 1971.

THIS IS THE FEDERALLY APPROVED REGULATION AS OF October 1, 2017

	Date Submitted To EPA	Date Approved by EPA	Federal Register
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Sec. 1-146. Particulate matter emissions from sand, gravel and crushed stone operations.

(a) No person shall 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, and in no case shall established ambient air quality standards be exceeded at the property line.

(b) The owner or operator of the plant shall maintain dust control of the plant premises and access roads by paving, oil treatment, or other suitable means.

(c) All stone crushing operations shall employ a water spray over the crusher. This standard shall be effective from and after November 18, 1971.

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	Date Submitted To EPA	Date Approved by EPA	Federal Register
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Sec. 1-147. Particulate matter and sulfur dioxide emissions from lightweight aggregate processes.

(a) No person shall cause, suffer, allow, or permit any material to be produced, handled, transported, or stockpiled without taking such measures to reduce to a minimum any particulate matter from becoming airborne, and in no case shall established air quality standards be exceeded at the property line.

(b) The owner or operator of the plant shall maintain dust control of the plant premises and access roads by paving, oil treatment, or other suitable measures.

(c) All stone crushing operations shall employ a water spray over the crusher.

(d) All stacks serving kilns or dryers shall be equipped with air pollution control devices capable of collecting a minimum of 95% by weight of particulate matter and controlling the emission of sulfur dioxide to not more than 2.3 pounds per million BTU input.

This standard shall be effective from and after November 18, 1971.

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Sec. 1-148. Control and Prohibition of Particulate Matter Emissions From Plants Engaged in the Finishing of Wood Products.

No person shall cause, suffer, allow, or permit particulate matter, caused by the working, standing, 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 collections, or such other devices as approved by the Board, and in no case shall established ambient air quality standards be exceeded at the property line.

This standard shall be effective from and after November 18, 1971.

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Sec. 1-149. Control and Prohibition of Particulate Matter Emissions From Portland Cement Plants.

All cement kilns shall be equipped with gas cleaning devices to reduce the particulate matter in the gas discharged to the atmosphere to not less than 99.7% of the particulate matter entering the gas cleaning device. However, particulate matter discharged to the atmosphere shall not exceed 0.327 pounds/barrel.

This standard shall be effective from and after November 18, 1971.

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Sec. 1-150. Particulates From Miscellaneous Industrial Processes.

(a) Emissions of particulate matter from any stack, vent, or outlet of any industrial process for which no other emission control standards are applicable shall not exceed:

Process Weight Rate		Allowable Emission Rate For Particulate Matter	Process Weight Rate		Allowable Emission Rate For Particulate Matter
Lb/hr.	Ton/hr.	lb/hr.	lb/hr.	Ton/hr.	lb/hr.
100	0.05	0.551	16,000	8	16.6
200	0.10	0.877	18,000	9	17.9
400	0.20	1.39	20,000	10	19.2
600	0.30	1.83	30,000	15	25.2
800	0.40	2.22	40,000	20	30.5
1,000	0.50	2.58	50,000	25	35.4
1,500	0.75	3.38	60,000	30	40.0
2,000	1.00	4.10	70,000	35	41.3
2,500	1.25	4.76	80,000	40	42.5
3,000	1.50	5.38	90,000	45	43.6
3,500	1.75	5.97	100,000	50	44.6
4,000	2.00	6.52	120,000	60	46.3
5,000	2.50	7.58	140,000	70	47.8
6,000	3.00	8.56	160,000	80	49.1
7,000	3.50	9.49	200,000	100	51.3
8,000	4.00	10.4	1,000,000	500	69.0
9,000	4.50	11.2	2,000,000	1,000	77.6
10,000	5.00	12.1	6,000,000	3,000	92.7
12,000	6.00	13.6			

For process weight rates up to 60,000 lb/hr., allowable emission rates for particulate matter shall be calculated by the equation $E = 4.10 \times P^{0.67}$. For process weight rates greater than 60,000 lb/hr., allowable emission rates for particulate matter shall be calculated by

the equation $E = 55.0 \text{ times } P \text{ to the power of } 0.11 \text{ minus } 40$. E = allowable emission rate for particulate matter in lb/hr. P = process weight rate in tons/hr.

(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.

This standard shall be effective from and after November 18, 1971.

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Sec. 1-151. Sulfur dioxide emissions from fuel-burning installations.

No person shall cause, suffer, allow or permit sulfur dioxide caused by the combustion of a fuel or fuels to be discharged from any stack or chimney in excess of two and three-tenths (2.3) pounds of sulfur dioxide per million BTU input, provided that sources subject to an emission standard for this pollutant in Section 1-158. or 1-159. of this chapter shall meet the standards set out therein.

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Sec. 1-152. Emissions from plants producing sulfuric acid.

No person shall cause, suffer, allow or permit the discharge of air contaminants resulting from the manufacture of sulfuric acid into the atmosphere except in compliance with the following.

(1) The emission of sulfur dioxide to the atmosphere must be limited to not more than 27 pounds for each ton of sulfuric acid produced;

This standard shall be effective from and after November 18, 1971.

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Sec. 1-153. Vapor of gas emissions from stationary tanks containing carbon and hydrogen.

No person shall place, store or hold in any stationary tank, reservoir or other container of more than 50,000 gallons capacity any liquid compound containing carbon and hydrogen or containing 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 tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed and equipped with one of the following vapor loss control devices:

(1) A floating pontoon or double deck type cover 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.

(2) A vapor recovery system which reduce 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.

(3) Other equipment or means of equal efficiency for purposes of air pollution control as any be approved by the Board.

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Sec. 1-154. Restriction on loading of volatile organic compounds.

No person shall load in any one day more than 20,000 gallons of any volatile organic compound into any tank-truck, trailer, or railroad tank car from any loading facility unless such loading incorporates the use of submerged loading through boom loaders that extend down into the compartment being loaded or by other methods acceptable to the Board.

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Sec. 1-155. Emissions from operations involving photochemically reactive material.

(a) A person shall not discharge from all sources at any one plant site more than a total of 40 pounds of photochemically reactive material into the atmosphere in any one day, from any article, machine, equipment, or other contrivance used for employing, applying evaporating or drying any photochemically reactive material or substance containing such solvent unless said discharge has been reduced by 85 percent. Such photochemically reactive solvents include any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds 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 cyclo-olefinic type of unsaturation except perchloroethylene: 5 percent;
- (2) A combination of aromatic hydrocarbons with eight (8) or more carbon atoms to the molecule except ethylbenzene: 8 percent;
- (3) A combination of ethylbenzene, ketones having branched hydrocarbon structure, trichloroethylene or toluene: 20 percent.

(b) Whenever any organic solvent or any constituent of any organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

This regulation shall be effective from and after July 1, 1972.

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	Date Submitted To EPA	Date Approved by EPA	Federal Register
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Sec. 1-156. Nitrogen dioxide emissions

- (a) No person shall cause or permit emissions of nitrogen dioxide from an oil or gas-fired boiler with a capacity of 250 million BTU per hour or more in excess of 0.6 pounds per million BTU of heat input per hour.
- (b) No person shall cause or permit emissions of nitrogen dioxide from a coal-fired boiler with a capacity of 250 million BTU or more in excess of 1.3 pounds per million BTU of heat input per hour.
- (c) No person shall cause or permit the emission of nitrogen dioxide from nitric acid manufacturing plants in excess of 5.8 pounds per ton of acid produced.
- (d) No person shall cause or permit the emission of nitrogen dioxide from sulfuric acid manufacturing plants utilizing the chamber process in excess of 5.8 pounds per ton of acid produced.

This standard shall be effective from and after July 1, 1972.

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Sec. 1-157. control of Particulates From Ferrous Jobbing Foundries.

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

Process Weight In Lb/hr.	Maximum Allowable Emission Rate for Particulate In Lb/hr.
1,000	3.05
2,000	4.70
3,000	6.36
4,000	8.00
5,000	9.65
6,000	11.30
7,000	12.90
8,000	14.90
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 on or before January 2, 1972, having a capacity greater than shown in the table and any new foundry, regardless of size shall control particulate emissions in accordance with the limit specified in Sec . 1-150. of this Article.

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Sec. 1-160. 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 51.24 as used in this Regulation refers to those federal regulations in effect on December 16, 1980.

(b) For the purpose of this Regulation the definitions contained in 40 CFR 51.24 (b) shall apply. The reasonable period specified in 40 CFR 51.24 (b) (3) (ii) shall be seven years. The limitations specified in 40 CFR 51.24 (b) (15) (ii) shall not apply.

(c) All areas of the State shall be classified as Class II except that the following areas are 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 51.24 (g) (2) are met. Areas may be proposed to be redesignated as Class III, if the requirements of 40 CFR 51.24 (g)(3) are met. Redesignations may not, however, be proposed which would violate the restrictions of 40 CFR. 51.24 (e). Lands within the boundaries of Indian Reservations may be redesignated only by 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. 51.24 (c). However, concentration of the pollutant shall not exceed standards set forth in 40 CFR 51.24 (d).

(f) Concentrations attributable to the conditions described in 40 CFR 51.24 (f) (1) shall be excluded in determining compliance with a maximum allowable increase. However, the exclusions referred to in 40 CFR 51.2 (f) (1) (i) or (ii) shall be limited to five years as described in 40 CFR 51.24 (f) (2).

(g) Major stationary sources and major modifications shall comply with the requirements contained in 40 CFR 51.24 (i) and by extension in 40 CFR 51.24 (j) through (o). The minimum requirements described in the portions of 40 CFR 51.24 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 51.24 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 51.24 referenced in this paragraph provide that the local plan may exempt or not apply certain requirements in certain circumstances, those exemptions and provisions of non- applicability 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 51.24 (n) (2).

(h) 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.

(i) 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.

(j) A substitution or modification of a model as provided for in 40 CFR 51.24 (1) shall be subject to public comment procedures in accordance with the requirements of 40 CFR 51.24 (q).

(k) Permits may be issued on the basis of innovative control technology as set forth in 40 CFR 51.24 (s) (1) if the requirements of 40 CFR 51.24 (s) (2) have been met, subject to the condition of 40 CFR 51.24 (s) (3), and with the allowance set forth in 40 CFR 51.24 (s) (4).

(l) If a source to which this Regulation applies impacts an area designated Class I by requirements of 40 CFR 51.24 (e), notice to EPA shall be provided as set forth in 40 CFR 51.24 (p) (1). If the Federal Land Manager presents a demonstration described in 40 CFR 51.24 (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 51.24 (p)(4), (p) (5) and (p) (7), or (p) (6) and (p) (7) have been satisfied.

(m) A permit application subject to this Regulation shall be processed in accordance with the procedures and requirements of 40 CFR 51.24 (q). Within 30 days of receipt of the application, applicants shall be notified if the application is complete as to initial information submitted. Notwithstanding this determination, the 90-day period provided for the Board to act by G.S. 143-215.108 (b) shall be considered to begin at the end of the period allowed for public comment, at the end of any public hearing held on the application, or when the applicant supplies information requested by the director in answer to comments received during the comment period or at any public hearing, whichever is later. The director shall notify the Administrator of EPA of any application considered approved by expiration of the 90 days; this notification shall be made within 10 working days of the date of expiration. If no permit action has been taken when 70 days of the 90-day period have expired, the Board shall relinquish its prevention of significant deterioration (PSD) authority to EPA for that permit. The Board shall notify by letter the EPA Regional Administrator and the applicant when 70 days have expired. EPA will then have responsibility for satisfying unmet PSD requirements, including permit issuance with

appropriate conditions. The permit applicant must secure from the Board, a permit revised (if necessary) to contain conditions at least as stringent as those in the EPA permit, before beginning construction. Commencement of construction before full PSD approval is obtained constitutes a violation of this Regulation.

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

(o) Revisions of the Western North Carolina Regional Air Pollution Control Implementation Plan for Air Quality shall comply with the requirements contained in 40 CFR 51.24 (a) (2).

(q) When a source or modification subject to this Regulation may affect the visibility of a Class I area named in Paragraph (c) of this Regulation, the following procedures shall apply:

(1) 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.

(2) 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.

(3) 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.

Revised as of March 13, 1985.

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Sec. 1-161. Stack Heights Rescinded March 13, 1985.

Sec. 1-162. Control of Mercury Emissions.

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

(1) "Mercury" means the element mercury, excluding any associated elements, and includes mercury in particulates, vapors aerosols, and compounds.

(2) "Stationary source" means the total plant site. This includes all emissions (stacks, ducts, vents, openings, fugitives, etc;) to the atmosphere within the property boundary.

(b) This Regulation shall apply to all new and existing stationary sources engaged in the handling and/or processing of mercury and not subject to standards on emissions for mercury in Sec. 1-159 or Sec. 1-160.

(c) An owner or operator of a stationary source engaged in the handling and/or processing of mercury shall not cause, allow, or permit particulate and/or gaseous mercury emissions in excess of 2300 grams per day into the outdoor atmosphere.

Revised as of March 13, 1985.

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Secs. 1-163 --1-164. Reserved.

Sec. 1-165. Sources Contributing to an Ambient Violation

(a) This Regulation applies to certain new major stationary sources and major modifications which are located in an area which is designated by the U.S. Environmental Protection Agency (EPA) to be an attainment of unclassifiable area as of May 1, 1983, 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) complex sources of air pollution that are regulated only under article XIV and not under any other regulation.

(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 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 ug/m³ of carbon monoxide on an 8-hour basis, or

(H) 2 ug/m³ of carbon monoxide on a one-hour, at any locality that does not meet a national ambient air quality standard.

(I) 1.0 ug/m³ of PM₁₀ on an annual basis, or

(J) 5 ug/m³ of PM₁₀ on 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) emission resulting from the construction phase of the source.

(d) 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 of North Carolina 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 emissions limitations and standards of this Article which EPA has authority to approve as elements of the Western North Carolina Implementation Plan for Air Quality.

(3) The source will satisfy the following conditions:

(A) 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 demonstrated that it made its best efforts to obtain sufficient air quality offsets to comply with this Part;

(ii) the applicant will continue to seek the necessary air quality offsets and apply them when they become available; and

(iii) the applicant has secured all available air quality offsets.

(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 referenced Code of Federal Regulations in this Regulation is that as of June 5, 1985.

Adopted as of June 5, 1985.

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Secs. 1-166 - 1-168 Reserved.