

ARTICLE XIV. COMPLEX SOURCES

Sec. 1-230. Purpose of article.

The purpose of this regulation is to set forth requirements of the Board relating to construction or modification of a facility, building, structure, or combination thereof which may result in violation of ambient air quality standards.

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Sec. 1-231. Definition of "complex sources".

The term "complex source" means any facility which is or may be an air pollution source, or which will induce or tend to induce development or activities which will or may be air pollution sources, and which shall include, but not be limited to: Shopping centers; sports complexes; drive-in theaters; parking lots and garages; residential, commercial, industrial or institutional developments; amusement parks and recreation areas; highways; and any other facilities which will result in increased emission from motor vehicles or stationary sources.

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Sec. 1-232. Application of article.

(a) This article shall apply to any person who proposes to construct or modify any facilities which would result in:

(1) Open parking lots, including shopping center lots, having 1,500 or more vehicle capacity and parking decks, including shopping center decks and parking garages , having capacity for 750 or more vehicles.

(2) subdivisions, housing developments, apartment complexes, and trailer courts having 500 or more units resulting in a population density of 7,680 per square mile (12 persons per acre) or more

(3) Stadiums and sports arenas having a seating capacity of 25,000 or more or 8,000 vehicle parking spaces or more.

(4) Drive-in theaters having 700 or more parking spaces.

(5) Amusement parks and recreation areas designed to serve 25,000 persons per day or more or to accommodate parking of 8,000 vehicles or more.

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Sec. 1-233. Submission of permits for review and approval.

No person shall construct or modify any facility set forth in Sec. 1-230 (a) (1) through 1-230 (a) (5) unless or until such person has applied for and received a permit from the Board and has complied with any and all terms and conditions therein.

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Sec. 1-234. Highway Projects.

In accordance with the National Environmental Policy Act and the North Carolina Environmental Policy Act, assessments regarding highway projects will be reviewed. If there is no assessment or if an assessment fails to complete the purpose of this article due to negative declaration, improper address to the air problem, insufficient information, or failure in abatement proceedings, or if the environmental impact assessment fails to show that the highway project will not result in violations of applicable portions of the control strategy and will not interfere with attainment of maintenance of a national standard then the following regulatory provisions shall apply:

- (1) No person shall construct or modify any highway if that highway will result in a contravention of ambient air quality standards;
- (2) No person shall construct or modify any highway with an expected maximum traffic volume of 2,000 vehicles per hour or more within ten years, unless or until such person has applied for and received a permit from the Board and has complied with any terms and conditions therein.

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Sec. 1-235. Airport Facility.

No person shall construct or modify any airport facility expected to have 100,000 or more annual aircraft operations or 45 or more peak hour aircraft operations (one operation equals one takeoff or one landing) within ten years, unless or until such person has applied for and received a permit from the Board and has complied with any and all terms and conditions therein.

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Sec. 1-236. Facility Under Construction.

For purposes of this Article, any facility which on the effective date of this article is under construction, or is being installed, or is the subject of a contract for construction, installation or purchase, shall not be considered to be a new air contaminant source.

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Sec. 1-237. Applications.

All applications for permits to construct or modify a complex source shall be made on forms provided by the Board and may include, at the discretion of the Board, a requirement that the owner of the source conduct air quality monitoring and perform dispersion and diffusion analysis to predict impact of proposed construction or modification on air quality.

Prior to approving or disapproving the construction or modification of any complex source, the information submitted by the owner or operator, as well as the agency's analysis of the effect on ambient air quality (including the agency's preliminary approval or disapproval), shall be made available for public inspection in at least one location in the region affected. This shall be accomplished by publishing a notice by prominent advertisement in the region affected, and shall allow a thirty (30) day period for submittal of public comment.

The Board shall not approve any application for a permit which would:

- (1) Interfere with the attainment of maintenance of any ambient air quality standard or
- (2) Result in violation of applicable portions of the Implementation Plan Control Strategy of the State of North Carolina.

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Sec. 1-238. No Deviation from Standards.

No permit issued pursuant to this regulation shall be construed to permit a deviation from the standards, rules and regulations of the Western North Carolina Regional Air Pollution Agency and no permit shall be construed to prevent or limit the application of Article XIII. of the Rules and Regulations of the Western North Carolina Regional Air Pollution Control Agency entitled "Air Pollution Emergencies."

This regulation shall be effective from and after adoption.

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Sec. 1-239. Control of Airborne Particulate Matter in the Ambient Air

(a) No person shall cause, permit, suffer or allow particulate matter to become airborne in the ambient air as a result of the storage, transportation, processing, or handling of materials or refuse without taking reasonable precautions, approved by the Board, for the prevention of such particulate matter from becoming airborne.

(b) No person shall cause, permit, suffer or allow particulate matter to become airborne in the ambient air as a result of the construction, alteration, maintenance, repair, or demolition of any road, bridge, tunnel, railroad track right of way, vehicle, equipment, machinery, building or structure without taking reasonable precautions, approved by the Board, for the prevention of such particulate matter from becoming airborne.

(c) No person shall cause, permit, suffer or allow particulate matter to become airborne in the ambient air so that the concentrations of particulate matter in the ambient air beyond the boundaries of the property from which the emissions originate exceed 150 micrograms per cubic meter of ambient air. Samples shall be obtained by using a high volume air sample or other equivalent method for a 24 hour period.

Adopted April, 1975. Amended Nov. 1988.

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Secs. 1-240--1-243. Reserved.

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