

1 15A NCAC 02D .0101 is readopted with changes as published in 31:24 NCR 2465-2466 as follows:

2
3 **SUBCHAPTER 02D - AIR POLLUTION CONTROL REQUIREMENTS**

4
5 **SECTION .0100 - DEFINITIONS AND REFERENCES**

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7 **15A NCAC 02D .0101 DEFINITIONS**

8 The definition of any word or phrase used in Rules of this Subchapter is the same as given in Article 21, G.S. 143, as
9 amended. The following words and phrases, which are not defined in the article, have the following meaning:

- 10 (1) "Act" means ~~The North Carolina Water and Air Resources of Article 21.~~ Article 21, G.S. 143,
11 entitled "Water and Air Resources."
- 12 (2) "Administrator" means, when it appears in any Code of Federal Regulation incorporated by
13 reference in this Subchapter, the Director of the Division of Air Quality unless:
14 (a) a specific rule in this Subchapter specifies ~~otherwise,~~ otherwise; or
15 (b) the U.S. Environmental Protection ~~Agency~~ Agency, in ~~its~~ a delegation or ~~approval~~ approval,
16 states that a specific authority of the Administrator of the Environmental Protection
17 Agency is not included in ~~its~~ such a delegation or approval.
- 18 (3) "Air pollutant" means an air pollution agent or combination of such agents, including any physical,
19 chemical, biological, or radioactive substance or matter emitted into or otherwise entering the
20 ambient air.
- 21 (4) "Ambient air" means that portion of the atmosphere outside buildings or other enclosed structures,
22 stacks, or ~~ducts;~~ ducts and that surrounds human, ~~animal~~ animal, or plant ~~life;~~ life or property.
- 23 (5) "Approved" means approved by the Director of the Division of Air Quality according to these Rules.
- 24 (6) "Capture system" means the equipment ~~(including hoods, ducts, fans, etc.)~~ including hoods, ducts,
25 and fans, used to contain, capture, or transport a pollutant to a control device.
- 26 (7) "CFR" means the Code of Federal Regulations.
- 27 (8) "Combustible material" means any substance that, when ignited, will burn in air.
- 28 (9) "Construction" means change in method of operation or any physical change, including on-site
29 fabrication, erection, installation, replacement, demolition, or modification of a source, that results
30 in a change in emissions or affects the compliance ~~status~~ status of a facility.
- 31 (10) "Control device" means ~~equipment (fume equipment, including fume~~ incinerator, adsorber,
32 absorber, scrubber, filter media, cyclone, and electrostatic precipitator, ~~or the like)~~ used to destroy
33 or remove ~~an air pollutant(s)~~ pollutant before discharge to the ambient air.
- 34 (11) "Day" means a 24-hour period beginning at midnight.
- 35 (12) "Director" means the Director of the Division of Air Quality, unless otherwise specified.
- 36 (13) "Division" means Division of Air Quality.

- 1 (14) "Dustfall" means particulate matter that settles out of the ~~air and is air~~. Dustfall shall be expressed
2 in units of grams per square meter per 30-day period.
- 3 (15) "Emission" means the release or discharge, whether directly or indirectly, of any air pollutant into
4 the ambient air from any source.
- 5 (16) "Facility" means all of the pollutant-emitting activities, except transportation facilities, that are
6 located on one or more adjacent properties under common control.
- 7 (17) "FR" means the Federal Register.
- 8 (18) "Fugitive emission" means those emissions that could not reasonably pass through a stack, chimney,
9 vent, or other functionally-equivalent opening.
- 10 (19) "Fuel burning equipment" means equipment whose primary purpose is the production of energy or
11 power from the combustion of any fuel. Uses of the equipment ~~includes-include~~ heating water,
12 generating or circulating steam, heating air as in a warm air furnace, or furnishing process heat by
13 transferring energy by fluids or through process vessel walls.
- 14 (20) "Garbage" means any animal ~~and-or~~ vegetable waste resulting from the handling, preparation,
15 cooking, ~~and-or~~ serving of food.
- 16 (21) "Incinerator" means a device designed to burn solid, liquid, or gaseous waste material.
- 17 (22) "Opacity" means that property of a substance tending to obscure vision and is measured as percent
18 obscuration.
- 19 (23) "Open burning" means any fire whose products of combustion are emitted directly into the outdoor
20 atmosphere without passing through a stack or chimney, approved incinerator, or other similar
21 device.
- 22 (24) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility,
23 source, or air pollution control equipment.
- 24 (25) "Particulate matter" means any material except uncombined water that exists in a finely divided
25 form as a liquid or solid at standard conditions.
- 26 (26) "Particulate matter emissions" means all finely divided solid or liquid material, other than
27 uncombined water, emitted to the ambient air as measured by methods specified in this Subchapter.
- 28 (27) "Permitted" means any source subject to a permit under this Subchapter or ~~Subchapter~~ 15A NCAC
29 02Q.
- 30 (28) "Person" as defined in G.S. 143-212 includes any individual, partnership, co-partnership, firm,
31 company, corporation, association, joint stock company, trust, estate, political subdivision, or any
32 other legal entity, or its legal representative, agent, or assigns.
- 33 (29) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10
34 micrometers as measured by methods specified in this Subchapter.
- 35 (30) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less
36 than or equal to a nominal 10 micrometers emitted to the ambient air as measured by methods
37 specified in this Subchapter.

- 1 (31) "PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5
2 micrometers as measured by methods specified in this Subchapter.
- 3 (32) "Refuse" means any garbage, rubbish, or trade waste.
- 4 (33) "Rubbish" means solid or liquid wastes from residences, commercial establishments, or institutions.
- 5 (34) "Rural area" means an area that is devoted to the following uses: agriculture, recreation, wildlife
6 management, state park, or any area of natural cover.
- 7 (35) "Salvage operation" means any business, trade, or industry engaged in whole or in part in salvaging
8 or reclaiming any product or material, including metal, chemicals, motor vehicles, shipping
9 containers, or drums.
- 10 (36) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting
11 predominantly of carbon, ash, and other burned or unburned residue of combustible materials that
12 form a visible plume.
- 13 (37) "Source" means any stationary article, machine, process equipment, or other ~~contrivance; or any~~
14 ~~combination; contrivance, singly or in combination,~~ or any tank-truck, trailer, or railroad tank ~~car;~~
15 ~~car~~ from which air pollutants emanate or are emitted, either directly or indirectly.
- 16 (38) "Sulfur oxides" means sulfur dioxide, sulfur trioxide, their acids, and the salts of their acids. ~~The~~
17 ~~concentration of sulfur dioxide shall be measured by the methods specified in this Subchapter.~~
- 18 (39) "Transportation facility" means a complex source as defined in G.S. 143-213(22).
- 19 (40) "Total suspended particulate" means any finely divided solid or liquid material, except water in
20 uncombined form, that is or has been airborne as measured by methods specified in this Subchapter.
- 21 (41) "Trade wastes" means all solid, liquid, or gaseous waste materials or rubbish resulting from
22 combustion, salvage operations, building operations, or the operation of any business, trade, or
23 industry ~~including, but not limited to,~~ including plastic products, paper, wood, glass, metal, paint,
24 grease, oil and other petroleum products, chemicals, and ashes.
- 25 (42) "ug" or "µg" means micrograms.

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27 *History Note:* *Authority G.S. 143-213; 143-215.3(a)(1);*
28 *Eff. June 1, 1976;*
29 *Amended Eff. December 1, 1989; July 1, 1988; July 1, 1984;*
30 *Temporary Amendment Eff. March 8, 1994 for a period of 180 days or until the permanent rule*
31 *becomes effective, whichever is sooner;*
32 *Amended Eff. January 1, 2015; December 1, 2005; June 1, 2004; July 1, 1998; July 1, 1996; July*
33 *1, 1994, 1994;*
34 *Readopted Eff. January 1, 2018.*
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1 15A NCAC 02D .0103 is amended with changes as published in 31:24 NCR 2466-2467 as follows:

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3 **15A NCAC 02D .0103 COPIES OF REFERENCED FEDERAL REGULATIONS**

4 (a) Copies of applicable Code of Federal Regulations sections referred to in this Subchapter are available for public
5 inspection at Department of ~~Environment and Natural Resources~~Environmental Quality regional offices. They are:

- 6 (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;
7 (2) Winston-Salem Regional Office, ~~585 Waughtown Street, Winston-Salem, North Carolina 27107;~~
8 450 West Hanes Mill Road, Suite 300, Winston-Salem, NC 27105;
9 (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville, North Carolina
10 28115;
11 (4) Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina
12 ~~27614;~~27609;
13 (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, North
14 Carolina 28301;
15 (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889;
16 and
17 (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405.

18 (b) Copies of such rules ~~can be made at these regional offices for ten cents (\$0.10) per page or may be obtained free~~
19 of charge online at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR>.

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21 *History Note: Authority G.S. 143-215.3; 150B-21.6;*

22 *Eff. December 1, 1976;*

23 *Amended Eff. ~~January 1, 2018;~~ December 1, 2005; December 1, 1992; August 1, 1991; July 1,*
24 *1988; July 1, 1987;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
26 *~~2016-2016;~~*

27 *Amended Eff. January 1, 2018.*

1 15A NCAC 02D .0104 is amended with changes as published in 31:24 NCR 2467 as follows:

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3 **15A NCAC 02D .0104 INCORPORATION BY REFERENCE**

4 (a) ~~Anywhere there is a reference to rules contained in the Code of Federal Regulations (CFR) or to an American~~
5 ~~Society for Testing and Materials method (ASTM) in this Subchapter, those rules and methods are incorporated by~~
6 ~~reference. If referred to in this Subchapter, the following materials shall be incorporated in this Subchapter by~~
7 ~~reference:~~

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

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

10 (b) The Code of Federal Regulations and American Society for Testing and Materials methods incorporated by
11 reference in this Subchapter shall ~~automatically~~ include ~~any later subsequent~~ amendments ~~thereto and editions~~ unless
12 a ~~specific~~ rule specifies otherwise.

13 (c) The Code of Federal Regulations is available in electronic form free of charge at
14 <https://www.gpo.gov/fdsys/search/home.action> ~~may be purchased from the Superintendent of Documents, PO Box~~
15 ~~371954, Pittsburgh, PA 15250. The cost of the referenced documents is as follows:~~

16 (1) ~~40 CFR Parts 1 to 51: fifty dollars (\$50.00).~~

17 (2) ~~40 CFR Part 52: thirty nine dollars (\$39.00).~~

18 (3) ~~40 CFR Parts 53 to 59: eleven dollars (\$11.00).~~

19 (4) ~~40 CFR Part 60: thirty six dollars (\$36.00).~~

20 (5) ~~40 CFR Parts 61 to 71: thirty six dollars (\$36.00).~~

21 (6) ~~40 CFR Parts 72 to 85: forty one dollars (\$41.00).~~

22 (7) ~~40 CFR Part 86: forty dollars (\$40.00).~~

23 (8) ~~40 CFR Parts 87 to 135: five dollars (\$5.00).~~

24 (9) ~~40 CFR Parts 260 to 299: forty dollars (\$40.00).~~

25 ~~These prices are October 15, 1996 prices.~~

26 (d) The American Society for Testing and Materials methods may be purchased from <https://www.astm.org/> ~~the Air~~
27 ~~Quality Division, PO Box 29580, Raleigh, North Carolina 27626-0580 at a price of twenty cents (\$0.20) per~~
28 ~~page. Purchase price [is dependent on] varies according to the particular test method and format [chosen.] chosen, and~~
29 ~~the cost of the materials are set forth at <https://www.astm.org/>.~~

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31 *History Note: Authority G.S. 150B-21.6;*

32 *Eff. July 1, 1988;*

33 *Amended Eff. [January 1, 2018;] July 1, 1998; May 1, 1995; December 1, 1992; October 1, 1989;*

34 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,*
35 *2016-2016;*

36 *Amended Eff. January 1, 2018.*

1 15A NCAC 02D .0105 is amended with changes as published in 31:24 NCR 2467 as follows:

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15A NCAC 02D .0105 MAILING LIST

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

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

*History Note: Authority G.S. 143-215.3(a)(1); 150B 21.2(d);
Eff. April 1, 1995;
Amended Eff. ~~January 1, 2018;~~ April 1, 2003; July 1, 1998; May 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 5,
~~2016-2016;~~
Amended Eff. January 1, 2018.*

1 15A NCAC 02D .0201 is readopted with changes as published in 31:24 NCR 2467-2468 as follows:

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3 **SECTION .0200 - AIR POLLUTION SOURCES**
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5 **15A NCAC 02D .0201 CLASSIFICATION OF AIR POLLUTION SOURCES**

6 (a) Purpose. This ~~Regulation-Rule~~ establishes a system for classifying air pollution sources. The Commission shall
7 use ~~this classification-the system to classify for classifying~~ air pollution sources ~~which the Commission believes to be~~
8 ~~of sufficient importance to justify classification or control.~~ set forth in this Rule to classify air pollution sources
9 governed by this Subchapter.

10 (b) Scope. This ~~Regulation-Rule~~ shall apply to all air pollution sources, both combustion and non-combustion. The
11 following system for classifying air pollution sources shall be used:

- 12 (1) "Class I-C" includes all sources of air pollution using ~~fuel-burning~~ fuel-burning equipment for the
13 production of heat to generate electricity for public use.
- 14 (2) "Class II-C" includes all sources of air pollution using ~~fuel-burning~~ fuel-burning equipment for the
15 production of steam, and for other process uses at commercial and industrial establishments.
- 16 (3) "Class III-C" includes all sources of air pollution using ~~fuel-burning~~ fuel-burning equipment for
17 comfort heating at institutional, ~~commercial-commercial~~, or industrial establishments, or at
18 apartment houses having a central heating system serving more than four apartments.
- 19 (4) "Class IV-C" includes all sources of air pollution ~~burning-that burn~~ trash, rubbish, refuse, or similar
20 materials in incinerators, teepee burners, or similar devices.
- 21 (5) "Class V-C" includes all sources of air pollution using ~~fuel-burning~~ fuel-burning equipment for
22 comfort heating that are not included in Class III-C.
- 23 (6) "Class VI-C" includes all sources of air pollution using internal combustion engines.
- 24 (7) "Class I-I" includes all sources of air pollution resulting from industrial plants engaged in the
25 manufacture of chemicals or allied products whose processes depend on the chemical reaction of
26 two or more elements or ~~compounds-compounds~~, and includes plants producing acids, fertilizer
27 materials, dyestuff, synthetic ~~fibers-fibers~~, and industrial gases.
- 28 (8) "Class II-I" includes all sources of air pollution resulting from industrial plants engaged in the
29 production of pulp and paper.
- 30 (9) "Class III-I" includes all sources of air pollution resulting from the mining and processing of
31 minerals, stone, ~~clay-clay~~, and cement products, and includes phosphate ore, mica and feldspar
32 operations, stone quarries and crushers, cement plants, concrete mixing plants, and masonry block
33 plants.
- 34 (10) "Class IV-I" includes all sources of air pollution resulting from industrial operations using petroleum
35 products, and includes asphalt mix plants, roofing felt plants, and petroleum products storage areas.
- 36 (11) "Class V-I" includes all sources of air pollution resulting from furniture, lumber, or wood product
37 plants.

- 1 (12) "Class VI-I" includes all sources of air pollution resulting from textile manufacturing, textile ~~dyeing~~
2 dyeing, or finishing plants.
- 3 (13) "Class VII-I" includes all sources of air pollution resulting from the shelling, drying, storage,
4 ~~ginning-ginning~~, and processing of tobacco, corn, soybeans, peanuts, cotton, fruits, vegetables, or
5 other agricultural products.
- 6 (14) "Class VIII-I" includes all sources of air pollution resulting from industries engaged in the
7 processing of metals, and includes smelting, casting foundries, metal working, and other similar
8 operations.
- 9 (15) "Class IX-I" includes all sources of air pollution resulting from slaughtering and processing of meat,
10 poultry, fish, and similar products and from rendering or the recovering of by-products of these
11 operations.
- 12 (16) "Class X-I" includes all sources of air pollution resulting from industries which do not fall within
13 the classifications described in Subparagraphs (b)(7) through (b)(15) of this ~~Regulation~~ Rule.

14 ~~These sources shall be controlled pursuant to the requirements of regulations and other provisions of law.~~

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16 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4);*
17 *Eff. February 1, 1976;*
18 *Amended Eff. July 1, 1984; December 1, 1976;*
19 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0202 is readopted with changes as published in 31:24 NCR 2468 as follows:

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3 **15A NCAC 02D .0202 REGISTRATION OF AIR POLLUTION SOURCES**

4 (a) The Director may require the owner or operator of a source of air pollution to register that ~~source~~-source, pursuant
5 to G.S. 143 215.107(a)(4).

6 (b) Any person required to register a source of air pollution with the Division shall register the source on forms
7 provided by the Division and shall provide the following information:

8 (1) the name of the person, company, or corporation operating the sources;

9 (2) the address, location, and county;

10 (3) principal officer of the company;

11 (4) quantities and kinds of raw materials used;

12 (5) process flow sheets;

13 (6) operating schedules;

14 (7) total weights and kinds of air pollution released;

15 (8) types and quantities of fuels used;

16 (9) stack heights; and

17 (10) other information considered essential in evaluating the potential of the source to cause air pollution.

18 The forms shall be completed and returned to the Division within 60 days following their receipt.

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20 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(4);*

21 *Eff. February 1, 1976;*

22 *Amended Eff. July 1, 1998; June 1, 1985; July 1, 1984;*

23 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0302 is readopted with changes as published in 31:24 NCR 2468-2469 as follows:

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3 **15A NCAC 02D .0302 EPISODE CRITERIA**

4 ~~Conditions justifying the~~ The Director may issue a proclamation of an air pollution alert, air pollution warning, or air
5 pollution emergency ~~shall be deemed to exist whenever the if the director~~ Director determines that the accumulation
6 of air contaminants in any place is attaining or has attained levels that could, if such levels are sustained or exceeded,
7 lead to a threat to the health of the public. ~~In making this determination, In deciding whether to issue such a~~
8 proclamation, the ~~director~~ Director shall be guided by the following criteria:

9 ~~(1)~~ (1) ~~Air Pollution Forecast. An internal watch by the Division and local air pollution control agencies~~
10 ~~shall be activated by a National Weather Service advisory that an atmospheric stagnation advisory~~
11 ~~is in effect, or the equivalent local forecast of stagnant atmospheric conditions.~~

12 ~~(2)~~ (1) Alert. The alert level is that concentration of pollutants at which first stage control actions are to
13 begin. The ~~director~~ Secretary of the Department of Environmental Quality with the concurrence of
14 the Governor shall proclaim an alert when any of the following levels is reached at any monitoring
15 ~~site:~~ site and meteorological conditions are such that pollutant concentrations can be expected to
16 remain at or exceed above levels for 12 or more hours or, in the case of ozone, the situation is likely
17 to reoccur within the next 24-hours unless control actions are taken.

18 (a) sulfur dioxide -- 800 ~~ug/m3~~ ug/m³ (0.3 ~~p.p.m.~~ ppm), 24-hour average;

19 (b) ~~particulate~~ 375 ~~ug/m3~~, 24 hour average;

20 (c) ~~sulfur dioxide and particulate combined~~ ~~product of sulfur dioxide ug/m3, 24 hour~~
21 ~~average, and particulate ug/m3, 24 hour average, equal to 65,000;~~

22 ~~(d)~~ (b) carbon monoxide -- 17 ~~ug/m3~~ ug/m³ (15 ~~p.p.m.~~ ppm), eight-hour average;

23 ~~(e)~~ (c) ozone -- 400 ~~ug/m3~~ ug/m³ (0.2 ~~p.p.m.~~ ppm), one-hour average;

24 ~~(f)~~ (d) nitrogen dioxide -- 1130 ~~ug/m3~~ ug/m³ (0.6 ~~p.p.m.~~ ppm), one-hour average; 282 ~~ug/m3~~
25 ug/m³ (0.15 ~~p.p.m.~~ ppm), 24-hour average; ~~or~~

26 ~~(g)~~ (e) PM10--350 ~~ug/m;~~ ug/m³ 24-hour average; ~~and [average; and] average.~~ meteorological
27 conditions are such that pollutant concentrations can be expected to remain at these levels
28 for 12 or more hours or increase or, for ozone, the situation is likely to recur within the
29 next 24 hours unless control actions are taken.

30 ~~[(f)~~ (f) ~~in addition to the levels listed for the above pollutants, meteorological conditions are such~~
31 ~~that pollutant concentrations can be expected to remain at the above levels for twelve (12)~~
32 ~~or more hours or increase, or in the case of ozone, the situation is likely to reoccur within~~
33 ~~the next 24 hours unless control actions are taken.]~~

34 ~~(3)~~ (2) Warning. The warning level indicates that air quality is continuing to degrade and that additional
35 abatement actions are necessary. The Secretary of the Department of Environmental Quality with
36 the concurrence of the Governor ~~Director~~ shall proclaim a warning when any one of the following
37 levels is reached at any monitoring ~~site:~~ site and meteorological conditions are such that pollutant

1 concentrations can be expected to remain at or exceed above levels for 12 or more hours or, in the
2 case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are
3 taken:

- 4 (a) sulfur dioxide -- 1600 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (0.6 p.p.m.),ppm),24-hour average
5 (b) ~~particulate~~ 625 $\mu\text{g}/\text{m}^3$, 24 hour average;
6 (c) ~~sulfur dioxide and particulate combined~~ product of sulfur dioxide $\mu\text{g}/\text{m}^3$, 24 hour
7 average, and particulate $\mu\text{g}/\text{m}^3$, 24 hour average, equal to 261,000;
8 (d)(b) carbon monoxide -- 34 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (30 p.p.m.),ppm), eight-hour average;
9 (e)(c) ozone -- 800 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (0.4 p.p.m.), ppm), one-hour average;
10 (f)(d) nitrogen dioxide -- 2260 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (1.2 p.p.m.), ppm), one-hour average; 565 $\mu\text{g}/\text{m}^3$
11 $\mu\text{g}/\text{m}^3$ (0.3 p.p.m.),ppm), 24-hour average; or
12 (g)(e) PM10 -- 420 $\mu\text{g}/\text{m}^3$; $\mu\text{g}/\text{m}^3$ 24-hour average;and[average; and] average.meteorological
13 conditions are such that pollutant concentrations can be expected to remain at these levels
14 for 12 or more hours or increase or, for ozone, the situation is likely to recur within the
15 next 24 hours unless control actions are taken.

16 [~~(f) in addition to the levels listed for the above pollutants, meteorological conditions are such~~
17 ~~that pollutant concentrations can be expected to remain at the above levels for twelve (12)~~
18 ~~or more hours or increase, or in the case of ozone, the situation is likely to reoccur within~~
19 ~~the next 24 hours unless control actions are taken.~~]

20 (4)(3) Emergency. The emergency level indicates that air quality is continuing to degrade to a level ~~that~~
21 ~~should never be reached and~~ that the most stringent control actions are necessary. The Secretary of
22 the ~~Department of Environment and Natural Resources~~Department of Environmental Quality with
23 the concurrence of the Governor shall declare an emergency when any one of the following levels
24 is reached at any monitoring ~~site: site and meteorological conditions are such that pollutant~~
25 ~~concentrations can be expected to remain at or exceed above levels for 12 or more hours or, in the~~
26 ~~case of ozone, the situation is likely to reoccur within the next 24-hours unless control actions are~~
27 ~~taken:~~

- 28 (a) sulfur dioxide -- 2100 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (0.8 p.p.m.),ppm) 24-hour average;
29 (b) ~~particulate~~ 875 $\mu\text{g}/\text{m}^3$, 24 hour average;
30 (c) ~~sulfur dioxide and particulate combined~~ product of sulfur dioxide $\mu\text{g}/\text{m}^3$, 24 hour
31 average, and particulate $\mu\text{g}/\text{m}^3$, 24 hour average, equal to 393,000;
32 (d)(b) carbon monoxide -- 46 mg/m^3 $\mu\text{g}/\text{m}^3$ (40 p.p.m.), ppm), eight-hour average;
33 (e)(c) ozone -- 1000 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (0.5 p.p.m.), ppm), one-hour average;
34 (f)(d) nitrogen dioxide -- 3000 $\mu\text{g}/\text{m}^3$ $\mu\text{g}/\text{m}^3$ (1.6 p.p.m.), ppm), one-hour average; 750 $\mu\text{g}/\text{m}^3$
35 $\mu\text{g}/\text{m}^3$ (0.4 p.p.m.), 24-hour average; or
36 (g)(e) PM10--500 $\mu\text{g}/\text{m}^3$; $\mu\text{g}/\text{m}^3$ 24-hour average. [average; and] average.

1 [(f) — in addition to the levels listed for the above pollutants, meteorological conditions are such
2 that pollutant concentrations can be expected to remain at the above levels for twelve (12)
3 or more hours or increase, or in the case of ozone, the situation is likely to reoccur within
4 the next 24 hours unless control actions are taken. Same clarification applies to Warning
5 and Emergency Levels.]

6 (5)(4) Termination. ~~Once declared any level reached by application of these criteria shall remain in effect~~
7 ~~until the criteria for that level are no longer met. At that time the next lower level shall be assumed.~~
8 After a proclamation has been issued, any level reached by application of these criteria shall remain
9 in effect until the criteria for that level are no longer met. At that time the next lower level shall
10 remain in effect until the criteria for that level are no longer met.

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12 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);*
13 *Eff. February 1, 1976;*
14 *Amended Eff. July 1, 1998; July 1, 1988; July 1, 1984; June 1, 1980; December 1, ~~1976~~1976;*
15 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02D .0303 is readopted with changes as published in 31:24 NCR 2469 as follows:

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15A NCAC 02D .0303 EMISSION REDUCTION PLANS

(a) Air Pollution Alert. Any person responsible for the operation of a source of air pollution described in ~~Regulation 15A NCAC 02D [-0305,].0305~~ of this Section, shall take all air pollution alert actions required for that source and shall put into effect the ~~preplanned program~~ preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution alert.

(b) Air Pollution Warning. Any person responsible for the operation of a source of air pollution described in ~~Regulation .0306 of this Section,~~ 15A NCAC 02D [-0306,].0306 shall take all air pollution warning actions required for that source and shall put into effect the ~~preplanned program~~ preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution warning.

(c) Air Pollution Emergency. Any person responsible for the operation of a source of air pollution described in ~~Regulation .0307 of this Section,~~ 15A NCAC 02D [-0307,].0307 shall take all air pollution emergency actions required for that source and shall put into effect the ~~preplanned program~~ preplanned abatement program that is required by 15A NCAC 02D .0304 for an air pollution emergency.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);
Eff. February 1, 1976;
Amended Eff. July 1, 1984.1984;
Readopted Eff. January 1, 2018.*

1 15A NCAC 02D .0304 is readopted with changes as published in 31:24 NCR 2470 as follows:

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3 **15A NCAC 02D .0304 PREPLANNED ABATEMENT PROGRAM**

4 (a) Any person who is responsible for the operation of a source of air pollution that is described in 15A NCAC 02D
5 Regulations .0305, .0306, or ~~[.0307,].0307~~ .0307 of this Section, or that emits 100 tons per year or more of any one
6 pollutant shall prepare ~~a plan~~ an abatement program plan to reduce the emissions of air pollutants into the outdoor
7 atmosphere during periods of an air pollution ~~episode~~ episode as described in 15A NCAC 02D .0302. The plan shall
8 be consistent with good industrial practices and safe operating procedures. When the Director requests that the plan
9 be submitted for ~~his~~ review, the owner or operator of the source shall submit the plan within 30 days of the Director's
10 request.

11 (b) When requested by the Commission in writing, any person responsible for the operation of a source not described
12 in ~~Regulations~~ 15A NCAC 02D .0305, .0306, or ~~[.0307,].0307~~ .0307 of this Section, shall prepare a plan to reduce the
13 emissions of air pollutants into the outdoor atmosphere during periods of air pollution alert, air pollution warning, and
14 air pollution ~~emergency~~ emergency as described in 15A NCAC 02D .0302. The plan shall be consistent with good
15 industrial practices and safe operating procedures.

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17 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);*
18 *Eff. February 1, 1976;*
19 *Amended Eff. July 1, 1988; July 1, ~~1984~~.1984;*
20 *Readopted Eff. January 1, 2018.*
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1 15A NCAC 02D .0305 is readopted with changes as published in 31:24 NCR 2470 as follows:

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3 **15A NCAC 02D .0305 EMISSION REDUCTION PLAN: ALERT LEVEL**

4 (a) ~~General~~General.

- 5 (1) There shall be no open burning ~~by any person~~ of ~~trade waste, vegetation, refuse, or debris in any~~
6 ~~form, any material~~ otherwise allowed under 15A NCAC 02D .1900.
- 7 (2) The use of incinerators for the disposal of any form of solid waste shall be limited to the hours
8 between ~~12 noon~~[12:00 p.m.]noon and 4:00 p.m.
- 9 (3) Persons operating ~~fuel burning~~fuel burning equipment which requires boiler lancing or soot blowing
10 shall perform such operations only between the hours of ~~12 noon~~[12:00 p.m.]noon and 4:00 p.m.
- 11 (4) Persons operating motor vehicles should eliminate all unnecessary operations.

12 (b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required
13 control actions for the alert level that are listed below:

- 14 (1) Operators of coal or oil fired electric power generating facilities shall:
- 15 (A) use fuels having low ash and sulfur content,
- 16 (B) perform boiler lancing and soot blowing between ~~12 noon~~[12:00 p.m.]noon and 4:00 p.m.,
17 and
- 18 (C) divert electric power generation to facilities outside of ~~the~~ alert area;
- 19 (2) Operators of coal or oil fired process steam generating facilities shall:
- 20 (A) use fuels having low ash and sulfur content,
- 21 (B) perform boiler lancing and soot blowing between ~~12 noon~~[12:00 p.m.]noon and 4:00 p.m.,
22 and
- 23 (C) reduce steam load demands consistent with continuing plant operation;
- 24 (3) Operators of manufacturing industries of the following classifications: primary metals industry;
25 petroleum refining and related industries; chemical and allied products industries; paper and allied
26 products industries; glass, clay, and concrete products industries shall:
- 27 (A) reduce air pollutants from manufacturing operations by curtailing, ~~postponing~~postponing,
28 or deferring production and related operations;
- 29 (B) defer trade waste disposal operations ~~which~~that emit particles, gases, vapors, or
30 malodorous substances;
- 31 (C) reduce ~~heat load~~heat-load demands for processing; and
- 32 (D) perform boiler lancing or soot blowing between ~~12 noon~~[12:00 p.m.]noon to 4:00 p.m.;
33 p.m.; and
- 34 ~~(4) Municipal and commercial refuse disposal operations shall limit burning of refuse in incinerators to~~
35 ~~hours between 12 noon to 4:00 p.m.;~~
hours between 12 noon to 4:00 p.m.;

1 (5)(4) Other persons requested by the Commission to prepare a ~~preplanned abatement plan~~preplanned
2 abatement program shall take all required control actions for the alert level contained in their
3 ~~plan-program plan~~.

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5 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);*
6 *Eff. February 1, 1976;*
7 *Amended Eff. July 1, 1984; December 1, ~~1976~~,1976;*
8 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0306 is readopted with changes as published in 31:24 NCR 2470-2471 as follows:

2
3 **15A NCAC 02D .0306 EMISSION REDUCTION PLAN: WARNING LEVEL**

4 (a) General

- 5 (1) There shall be no open burning ~~by any person of trade waste, refuse, vegetation, or debris in any~~
6 ~~form any material otherwise allowed under 15A NCAC 02D .1900.~~
- 7 (2) The use of incinerators for the disposal of solid waste or liquid waste shall be prohibited.
- 8 (3) Persons operating ~~fuel burning~~fuel-burning equipment which requires boiler lancing or soot blowing
9 shall perform such operations only between ~~12 noon~~[12:00 p.m.]noon and 4:00 ~~p.m.~~p.m.
- 10 (4) Persons operating motor vehicles should minimize their use through car pools and increased use of
11 public transportation.

12 (b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required
13 control actions for the warning level that are listed below:

- 14 (1) Operators of coal or oil fired electric power generating facilities shall:
- 15 (A) use fuels having the lowest ash and sulfur ~~content,~~content;
- 16 (B) perform boiler lancing and soot blowing between ~~12 noon~~[12:00 p.m.]noon to 4:00
17 ~~p.m.~~p.m.; and
- 18 (C) divert electric power generating to facilities outside of ~~the~~ warning area;
- 19 (2) Operators of coal or oil fired process steam generating facilities shall:
- 20 (A) use fuels having the lowest ash and sulfur ~~content,~~content;
- 21 (B) perform boiler lancing and soot blowing between ~~12 noon~~[12:00 p.m.]noon to 4:00
22 ~~p.m.~~p.m.;
- 23 (C) reduce steam load demands consistent with continuing plant ~~operations,~~operations; and
- 24 (D) prepare to use the ~~plan of action to be taken if an emergency develops;~~preplanned
25 abatement program for emergency level;
- 26 (3) Operators of manufacturing industries of the following classifications: primary metal industries;
27 petroleum refining and related industries; chemical and allied products industries; paper and allied
28 products industries; glass, ~~clay~~clay, and concrete products industries shall:
- 29 (A) reduce air pollutants from manufacturing operations by, if necessary, assuming reasonable
30 economic hardship by postponing production and related operations;
- 31 (B) defer trade waste disposal operations ~~which~~that emit particles, gases, vapors, or
32 malodorous substances;
- 33 (C) reduce ~~heat load~~heat-load demands for processing consistent with continuing plant
34 operations; and
- 35 (D) perform boiler lancing or soot blowing between ~~12 noon~~[12:00 p.m.]noon to 4:00
36 ~~p.m.~~p.m.; and
- 37 (4) ~~Municipal and commercial refuse disposal operations shall stop incinerating waste;~~

1 (5)(4) Other persons requested by the Commission to prepare a ~~preplanned abatement plan~~preplanned
2 abatement program shall take all required control actions for the warning level contained in their
3 ~~plan-program plan~~.

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5 *History Note:* *Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);*
6 *Eff. February 1, 1976;*
7 *Amended Eff. July 1, 1984; December 1, ~~1976, 1976;~~*
8 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0307 is readopted with changes as published in 31:24 NCR 2471-2472 as follows:

2
3 **15A NCAC 02D .0307 EMISSION REDUCTION PLAN: EMERGENCY LEVEL**

4 (a) General

- 5 (1) There shall be no open burning ~~by any person of trade waste, vegetation, refuse, or debris in any~~
6 ~~form any material otherwise allowed under 15A NCAC 02D .1900.~~
- 7 (2) The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.
- 8 (3) All places of employment described below shall ~~immediately~~ cease operations:
- 9 (A) mining and quarrying of nonmetallic minerals;
- 10 (B) all manufacturing establishments except those required to have in force ~~an air pollution~~
11 ~~emergency plan; a preplanned abatement program for an air pollution emergency;~~
- 12 (C) all construction work involving grading or other operations ~~which that~~ generate dust;
- 13 (D) all wholesale and retail establishments except pharmacies and stores primarily engaged in
14 the sale of food;
- 15 (E) all commercial and manufacturing establishments, automobile repair services and garages,
16 laundries, barbershops, beauty ~~shops~~shops, and motion picture theaters; and
- 17 (F) elementary and secondary schools, colleges, ~~universities~~universities, and professional
18 schools.
- 19 (4) The use of motor vehicles is ~~is~~ ~~shall be~~ prohibited except in emergencies with the approval of local
20 or state police.

21 (b) Source Curtailment. Any person responsible for the operation of a source of air pollution shall take all required
22 control actions for the emergency level that are listed below:

- 23 (1) Operators of ~~coal or oil fired~~coal- or oil-fired electric power generating facilities shall:
- 24 (A) use fuels having lowest ash and sulfur ~~content,~~content;
- 25 (B) perform boiler lancing or soot blowing between ~~12 noon~~[12:00 p.m.]noon to 4:00
26 ~~p.m.,~~p.m.;
- 27 (C) divert electric power ~~generating~~generation to facilities outside of emergency area;
- 28 (2) Operators of ~~coal or oil fired~~coal- or oil-fired process steam generating facilities shall:
- 29 (A) reduce heat and steam demands to that ~~absolutely~~ necessary to prevent equipment
30 ~~damage,~~damage;
- 31 (B) perform boiler lancing and soot blowing between ~~12 noon~~[12:00 p.m.]noon and 4:00
32 ~~p.m.,~~p.m.;
- 33 (C) take the action called for in the ~~abatement plan;~~preplanned abatement program;
- 34 (3) Operators of manufacturing industries of the following classifications: primary metals industries;
35 petroleum refining and related industries; chemical and allied products industries; paper and allied
36 products industries; glass, ~~clay~~clay, and concrete products industries shall:

- 1 (A) eliminate air pollutants from manufacturing operations by ceasing, curtailing,
2 ~~postponing~~ ~~postponing~~, or deferring production and related operations ~~to~~ the extent
3 possible without causing injury to persons or damage to equipment;
- 4 (B) eliminate air pollution from trade waste disposal processes which emit particles, gases,
5 vapors, or malodorous substances;
- 6 (C) reduce ~~heat load~~ ~~heat-load~~ demands for processing to the minimum;
- 7 (D) perform boiler lancing or soot blowing between ~~12 noon~~ ~~12:00 p.m.~~ to 4:00 p.m.; and
- 8 ~~(4) Municipal and commercial refuse disposal operations shall stop incinerating waste;~~
- 9 ~~(5)~~ ~~(4)~~ Other persons requested by the Commission to prepare a ~~preplanned abatement plan~~ ~~preplanned~~
10 ~~abatement program~~ shall take all required control actions for the emergency level contained in their
11 ~~plan-program plan~~.

12

13 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(12);*
14 *Eff. February 1, 1976;*
15 *Amended Eff. July 1, 1984; December 1, ~~1976~~, 1976;*
16 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0401 is readopted with changes as published in 31:24 NCR 2472 as follows:

2
3 **SECTION .0400 - AMBIENT AIR QUALITY STANDARDS**
4

5 **15A NCAC 02D .0401 PURPOSE**

6 (a) The purpose of the ambient air quality standards set out in this Section is to establish certain maximum limits on
7 parameters of air quality considered desirable for the preservation and enhancement of the quality of the ~~state's~~State's
8 air resources. Furthermore, the objective of the Commission, consistent with the North Carolina Air Pollution Control
9 Law, shall be to prevent significant deterioration in ambient air quality in any substantial portion of the ~~state~~State
10 where existing air quality is better than the standards. An atmosphere in which these standards are not exceeded
11 should provide for the protection of the public health, plant and animal life, and property.

12 (b) ~~Ground level~~Ground-level concentrations of pollutants ~~will~~shall be determined by sampling at fixed locations in
13 areas beyond the premises on which a source is located. The standards ~~are~~shall be applicable at each such sampling
14 location in the ~~state~~State.

15 (c) No facility or source of air pollution shall cause any ambient air quality standard in this Section to be exceeded or
16 contribute to a violation of any ambient air quality standard in this Section except as allowed by ~~Rules~~15A NCAC
17 02D .0531 or .0532 of this Subchapter.0532.
18

19 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*
20 *Eff. February 1, 1976;*
21 *Amended Eff. December 1, 1992; October 1, 1989; July 1, ~~1984.1984;~~*
22 *Readopted Eff. January 1, 2018.*
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1 15A NCAC 02D .0402 is readopted with changes as published in 31:24 NCR 2472 as follows:

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3 **15A NCAC 02D .0402 SULFUR OXIDES**

4 (a) The ambient air quality standards for sulfur oxides measured as sulfur dioxide ~~are~~ shall be:

5 (1) 80 micrograms per cubic meter (0.03 ppm) annual arithmetic ~~mean,~~ mean;

6 (2) 365 micrograms per cubic meter (0.14 ppm) maximum 24-hour concentration not to be exceeded
7 more than once per ~~year,~~ year; and

8 (3) 1300 micrograms per cubic meter (0.5 ppm) maximum three-hour concentration not to be exceeded
9 more than once per year.

10 (b) Sampling and analysis shall be in accordance with procedures in Appendix A or A-1 of 40 CFR Part 50 or by a
11 Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.

12 (c) Applicability of the standards listed in Subparagraph (a)(1) and (2) of this Rule ~~is~~ shall be in effect until one year
13 after the effective date of initial designations under Section 107(d) of the Clean Air Act for the sulfur dioxide standard
14 in Paragraph (d) of this Rule.

15 (d) The primary one-hour annual ambient air quality standard for oxides of sulfur ~~is~~ shall be 75 parts per billion (~~ppb,~~
16 ~~which is 1 part in 1,000,000,000), (ppb)~~, measured in the ambient air as sulfur dioxide.

17 (e) The one-hour primary standard ~~is~~ shall be met at an ambient air quality monitoring site when the three-year average
18 of the annual (99th percentile) of the daily maximum one-hour average concentrations is less than or equal to 75 ppb,
19 as determined in accordance with Appendix T of 40 CFR Part 50.

20
21 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*
22 *Eff. February 1, 1976;*
23 *Amended Eff. September 1, 2011; July 1, 1984; December 1, ~~1976-1976~~;*
24 *Readopted Eff. January 1, 2018.*
25

1 15A NCAC 02D .0404 is readopted with changes as published in 31:24 NCR 2472 as follows:

2

3 **15A NCAC 02D .0404 CARBON MONOXIDE**

4 (a) The ambient air quality standards for carbon monoxide ~~are~~ shall be:

5 (1) 9 parts per million (10 milligrams per cubic meter) maximum eight-hour average concentration not
6 to be exceeded more than once per ~~year, year;~~ and

7 (2) 35 parts per million (40 milligrams per cubic meter) maximum one-hour average concentration not
8 to be exceeded more than once per year.

9 (b) Sampling and analysis shall be in accordance with procedures in Appendix C of 40 CFR Part 50 or equivalent
10 methods established under 40 CFR Part 53.

11 (c) An eight-hour average shall be considered valid if at least 75 percent of the hourly averages for the eight-hour
12 period are available. In the event that only six or seven hourly averages are available, the eight-hour average shall be
13 computed on the basis of the hours available using six or seven as the divisor.

14 (d) When summarizing data for comparison with the standards, averages shall be stated to one decimal place.
15 Comparison of the data ~~with the levels of~~ to the standards in parts per million shall be made in terms of integers with
16 fractional parts of 0.5 or greater ~~rounding~~ rounded up.

17

18 *History Note:* Authority *G.S. 143-215.3(a)(1); 143-215.107(a)(3);*

19 *Eff. February 1, 1976;*

20 *Amended Eff. October 1, 1989; July 1, 1984; December 1, ~~1976.~~1976;*

21 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0405 is readopted with changes as published in 31:24 NCR 2472 as follows:

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3 **15A NCAC 02D .0405 OZONE**

4 The ambient air quality standard for ozone measured by a reference method based on Appendix D of 40 CFR Part 50
5 and designated according to 40 CFR Part 53 ~~is shall be 0.075~~ 0.070 parts per million (ppm), daily maximum ~~8-hour~~
6 eight-hour average. The standard ~~is shall be deemed~~ attained at an ambient air quality monitoring site when the
7 average of the annual fourth-highest daily maximum ~~8-hour~~ eight-hour average ozone concentration is less than or
8 equal to ~~0.075~~ 0.070 parts per million (ppm) as determined by ~~Appendix P~~ Appendix U of 40 CFR Part 50, or
9 equivalent methods established under 40 CFR Part 53.

10

11 *History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);

12 *Eff. February 1, 1976;*

13 *Amended Eff. January 1, 2010; April 1, 1999; July 1, 1984; July 1, 1979; December 1, ~~1976.~~ 1976;*

14 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02D .0407 is readopted with changes as published in 31:24 NCR 2472-2473 as follows:

2
3 **15A NCAC 02D .0407 NITROGEN DIOXIDE**

4 (a) The primary annual ambient air quality standard for oxides of nitrogen ~~is~~shall be 53 parts per billion annual
5 average concentration measured in the ambient air as nitrogen dioxide.

6 (b) The primary ~~one-hour~~one-hour ambient air quality standard for oxides of nitrogen ~~is~~shall be 100 parts per billion
7 one hour annual average concentration measured in the ambient air as nitrogen dioxide.

8 (c) The secondary ambient air quality standard for nitrogen dioxide ~~is~~shall be 0.053 parts per million (100 micrograms
9 per cubic meter) annual arithmetic mean concentration.

10 (d) Sampling and analysis shall be in accordance with:

11 (1) procedures in Appendix F of 40 CFR Part 50; or

12 (2) by a Federal Equivalent Method (FEM) designated in accordance with 40 CFR Part 53.

13 (e) The annual primary standard ~~is~~shall be deemed attained when the annual average concentration in a calendar year
14 is less than or equal to 53 parts per billion, as determined in accordance with Appendix S of 40 CFR Part 50 for the
15 annual standard.

16 (f) The one hour primary standard ~~is~~shall be deemed attained when the three-year average of the annual 98th percentile
17 of the daily maximum one-hour average concentration is less than or equal to 100 ppb, as determined in accordance
18 with Appendix S of 40 CFR Part 50 for ~~one-hour~~one-hour standard.

19 (g) The secondary standard ~~is~~shall be deemed attained when the annual arithmetic mean concentration in a calendar
20 year is less than or equal to 0.053 parts per million, rounded to three decimal places (fractional parts equal to or greater
21 than 0.0005 parts per million are rounded up). To demonstrate attainment, an annual mean ~~must~~shall be based on
22 hourly data that are at least 75 percent complete or on data derived from manual methods that are at least 75 percent
23 complete for the scheduled sampling days in each calendar quarter.

24
25 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*

26 *Eff. February 1, 1976;*

27 *Amended Eff. September 1, 2011; October 1, 1989; July 1, 1984; December 1, ~~1976~~.1976;*

28 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02D .0408 is readopted with changes as published in 31:24 NCR 2473 as follows:

2

3 **15A NCAC 02D .0408 LEAD**

4 The ambient air quality standard for lead and its compounds, measured as elemental lead by a reference method based
5 on Appendix G of 40 CFR Part 50 or by an equivalent method established under 40 CFR Part 53, ~~is~~shall be 0.15
6 micrograms per cubic meter. The standard ~~is~~shall be deemed met when the maximum arithmetic ~~three-month~~three-
7 ~~month~~ mean concentration for a ~~three-year~~three-year period, as determined in accordance with Appendix R of 40 CFR
8 Part 50, is less than or equal to 0.15 micrograms per cubic meter.

9

10 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*

11 *Eff. June 1, 1980;*

12 *Amended Eff. January 1, 2010; July 1, ~~1984~~.1984;*

13 *Readopted Eff. January 1, 2018.*

14

15

1 15A NCAC 02D .0409 is readopted with changes as published in 31:24 NCR 2473 as follows:

2

3 **15A NCAC 02D .0409 PM10 PARTICULATE MATTER**

4 (a) The ambient air quality standard for PM10 particulate matter ~~is~~ shall be 150 micrograms per cubic meter (~~ug/m³~~),
5 (ug/m³), 24-hour average concentration. This standard ~~is~~ shall be deemed attained when 150 (~~ug/m³~~), (ug/m³), as
6 determined according to Appendix N of 40 CFR Part 50, is not exceeded more than once per year on average over a
7 three-year period.

8 (b) For the purpose of determining attainment of the standards in Paragraph (a) of this Rule, particulate matter shall
9 be measured in the ambient air as PM10 (particles with an aerodynamic diameter less than or equal to a nominal 10
10 micrometers) by either:

11 (1) a reference method based on Appendix M of 40 CFR Part 50 and designated according to 40 CFR
12 Part 53; or

13 (2) an equivalent method designated according to 40 CFR Part 53.

14

15 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*

16 *Eff. July 1, 1988;*

17 *Amended Eff. January 1, 2010; April 1, ~~1999~~, 1999;*

18 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .0410 is readopted with changes as published in 31:24 NCR 2473 as follows:

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3 **15A NCAC 02D .0410 PM2.5 PARTICULATE MATTER**

4 (a) The national primary ambient air quality standards for PM2.5 ~~are~~ shall be 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)
5 annual arithmetic mean concentration and 35 $\mu\text{g}/\text{m}^3$ 24-hour average ~~Concentration~~ concentration measured in the
6 ambient air as PM2.5 (particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers) by
7 either:

8 (1) A reference method based on appendix L to 40 ~~C.F.R.~~ CFR Part 50 and designated in accordance
9 with 40 ~~C.F.R.~~ CFR Part 53; or

10 (2) An equivalent method designated in accordance with 40 ~~C.F.R.~~ CFR Part 53.

11 (b) The primary annual PM2.5 standard ~~is~~ shall be ~~deemed~~ met when the annual arithmetic mean concentration, as
12 determined in accordance with ~~appendix~~ Appendix N of 40 ~~C.F.R.~~ CFR Part 50, is less than or equal to 12.0 $\mu\text{g}/\text{m}^3$.

13 (c) The primary 24-hour PM2.5 standard ~~is~~ shall be ~~deemed~~ met when the 98th percentile 24-hour concentration, as
14 determined in accordance with ~~appendix~~ Appendix N of 40 ~~C.F.R.~~ CFR Part 50, is less than or equal to 35 $\mu\text{g}/\text{m}^3$.

15

16 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3);*

17 *Eff. April 1, 1999;*

18 *Amended Eff. September 1, 2015; January 1, ~~2010-2010~~;*

19 *Readopted Eff. January 1, 2018.*

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21

1 15A NCAC 02D .2001 is readopted with changes as published in 31:24 NCR 2474-2475 as follows:

2
3 **SECTION .2000 - TRANSPORTATION CONFORMITY**
4

5 **15A NCAC 02D .2001 PURPOSE, SCOPE AND APPLICABILITY**

6 (a) The purpose of this Section is to assure the conformity of transportation plans, programs, and projects that are
7 developed, funded, or approved by the United States Department of Transportation and by metropolitan planning
8 organizations or other recipients of funds under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.), or
9 State or Local only sources of funds, with all plans required of areas designated as nonattainment or maintenance
10 under 40 CFR 81.334 for the pollutants specified therein or listed in Paragraph ~~(b), (c), or (d)~~ (c) of this Rule.

11 (b) This Section ~~applies~~shall apply to the emissions of volatile organic compounds and nitrogen oxides in the
12 following areas:

13 (1) ~~Davidson County,~~

14 (2) ~~Durham County,~~

15 (3) ~~Forsyth County,~~

16 (4) ~~Gaston County,~~

17 (5) ~~Guilford County,~~

18 (6) ~~Mecklenburg County,~~

19 (7) ~~Wake County,~~

20 (8) ~~Dutchville Township in Granville County, and~~

21 (9) ~~that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway~~
22 ~~801, Fulton Creek, and back to the Yadkin River.~~

23 ~~(1) townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount~~
24 ~~Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;~~

25 ~~(2) townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County;~~

26 ~~(3) townships of Davidson and Coddle Creek in Iredell County;~~

27 ~~(4) townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;~~

28 ~~(5) all townships in Mecklenburg County;~~

29 ~~(6) townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury,~~
30 ~~Steele, and Unity in Rowan County; and~~

31 ~~(7) townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.~~

32 ~~(c) This Section applies to the emissions of carbon monoxide in the following areas:~~

33 ~~(1) Durham County,~~

34 ~~(2) Forsyth County,~~

35 ~~(3) Mecklenburg County, and~~

36 ~~(4) Wake County.~~

37 ~~(d)~~(c) This Section ~~applies~~shall apply to the emissions of:

- 1 (1) particulate matter in areas identified in 40 CFR 81.334 as nonattainment or that have been
2 redesignated attainment and are current maintenance areas for fine particulate ~~(PM2.5);(PM2.5)~~; or
3 (2) volatile organic compounds or nitrogen oxides in areas identified in 40 CFR 81.334 as
4 nonattainment or that have been redesignated attainment and are current maintenance areas for
5 ozone.

6 ~~(e)(d)~~ ~~This Section applies to FHWA/FTA projects or regionally significant State or local projects.~~ For Federal
7 Highway Administration/Federal Transit Administration FHWA/FTA(FHWA/FTA) projects or regionally significant
8 regionally-significant State or local projects ~~in the areas identified that meet the standards set forth in Paragraph~~
9 Paragraphs (b), (c), or (d)(b) of this Rule and for the pollutants identified in Paragraphand (b), (c), or (d) or (c) of this
10 Rule, this Section applies to:shall apply to:

- 11 (1) the adoption, acceptance, approval, or support of transportation plans and transportation plan
12 amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a metropolitan planning
13 organization or the United States Department of Transportation;
14 (2) the adoption, acceptance, approval, or support of transportation improvement programs or
15 amendments to transportation improvement programs pursuant to 23 CFR Part 450 or 49 CFR Part
16 613 by a metropolitan planning organization or the United States Department of Transportation; or
17 (3) the approval, funding, or implementation of FHWA/FTA projects.

18 Conformity determinations are not required under this Section for individual projects that are not FHWA/FTA
19 projects. However, 40 CFR 93.121 shall apply to these projects if they are regionally significant projects.

20 ~~(f)(e)~~ This Section applies to maintenance areas for 20 years from the date the ~~Environment~~Environmental Protection
21 Agency approves the area's request under Section 107(d) of the Clean Air Act for redesignation to
22 attainment attainment or until the effective date of revocation of the conformity requirements for the NAAQS by EPA.

23
24 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*
25 *Eff. April 1, 1999;*
26 *Amended Eff. December 1, 2005-2005;*
27 *Readopted Eff. January 1, 2018.*
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1 15A NCAC 02D .2002 is readopted with changes as published in 31:24 NCR 2475 as follows:

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15A NCAC 02D .2002 DEFINITIONS

For the purposes of this Section, the definitions contained in 40 CFR 93.101 and the following definitions apply:

~~(1)~~ "Consultation" means that one party confers with another identified party, provides all information necessary to that party needed for meaningful input, and considers and responds to the views of that party in a timely, substantive written manner prior to any final decision.

~~(2)~~(1) "~~Regionally significant~~"Regionally-significant project" means a transportation project (other than an exempt project under 40 CFR 93.126) that is on a facility that serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls and sports complexes, or transportation terminals as well as most terminals themselves) and would ~~normally~~ be included in the modeling of a metropolitan area's transportation network, including ~~at a minimum~~ all principal arterial highways and all fixed ~~guide-way~~guide-way transit facilities that offer an alternative to regional highway travel.

~~(3)~~(2) "~~Regionally significant~~"Regionally-significant State or local project" means any highway or transit project that is a regionally significant project and that is proposed to receive only non-federal funding assistance (~~receives no federal funding~~) or approval through the State or any local program.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. April 1, 1999;
Readopted Eff. January 1, 2018.*

1 15A NCAC 02D .2003 is readopted with changes as published in 31:24 NCR 2475-2476 as follows:

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3 **15A NCAC 02D .2003 TRANSPORTATION CONFORMITY DETERMINATION**

4 (a) Conformity analyses, determinations, and redeterminations for transportation plans, transportation improvement
5 programs, FHWA/FTA projects, and State or local ~~regionally significant~~regionally-significant projects shall be made
6 according to the requirements of 40 CFR 93.104 and shall comply with the applicable requirements of 40 CFR 93.119,
7 93.120, 93.124, 93.125, and 93.126. For the purposes of this Rule, ~~regionally significant~~regionally-significant State
8 or local projects shall be subject to the same requirements under 40 CFR Part 93 as FHWA/FTA projects except that
9 State Environmental Policy Act procedures and requirements shall be substituted for National Environmental Policy
10 Act procedures and requirements. ~~Regionally significant~~Regionally-significant State or local projects subject to this
11 Section for which the State Environmental Policy Act process and a conformity determination have been completed
12 may proceed toward implementation without further conformity determination unless more than three years have
13 elapsed since the most recent major step (State Environmental Policy Act process ~~completion, completion;~~ start of
14 final ~~design, design;~~ acquisition of a significant portion of the right-of-way, ~~way, way;~~ or approval of the plans,
15 specifications, and estimates) occurred. All phases of these projects considered in the conformity determination ~~are~~
16 ~~also~~shall also be included if these phases were for the purpose of funding final design, right-of-way acquisition,
17 construction, or any combination of these phases.

18 (b) Before making a conformity determination, the metropolitan planning organizations, local transportation
19 departments, North Carolina Department of Transportation, United States Department of Transportation, ~~the~~ Division
20 of Air Quality, local air pollution control agencies, and United States Environmental Protection Agency shall consult
21 with each other on matters described in 15A NCAC ~~2D02D~~ .2005. Consultation shall begin as early as possible in
22 the development of the emissions analysis used to support a conformity determination. The agency that performs the
23 emissions analysis shall make the analysis available to the Division of Air Quality and at least 21 days shall be allowed
24 for review and comment on the emissions analysis. The 21-day review period shall begin upon receipt of the analysis
25 by the Director of the Division of Air Quality. After review by the Division of Air ~~Quality~~Quality, the approving
26 agency shall seek public comments in accordance with its public participation policy. The agency making the
27 conformity determination shall address all written comments received prior to close of the public comment period,
28 and these comments and responses thereto shall be included in the final document. If the Division of Air Quality
29 disagrees with the resolution of its comments, the conflict may be escalated to the Governor within 14 days and shall
30 be resolved in accordance with 40 CFR 93.105(d). The 14-day appeal period shall begin upon receipt by the Director
31 of the Division of Air Quality of the metropolitan planning organization's resolution that determines conformity.

32 (c) The agency that performs the conformity analysis shall notify the Division of Air Quality of:

- 33 (1) ~~any~~ changes in planning or analysis ~~assumptions [including~~assumptions, including land use and
34 vehicle miles traveled (VMT) ~~forecasts], forecasts;~~ and
35 (2) ~~any~~ revisions to transportation plans or transportation improvement plans that add, delete, or change
36 projects that require a new emissions ~~analysis (including~~analysis including design scope and dates
37 that change the transportation network existing in a horizon ~~year)-year.~~

1 Comments made by the Division of Air Quality and responses thereto made by the agency shall become part of the
2 final planning document.

3 (d) Transportation plans shall satisfy the requirements of 40 CFR 93.106. Transportation plans and transportation
4 improvement programs shall satisfy the fiscal constraints specified in 40 CFR 93.108. Transportation plans, programs,
5 and FHWA/FTA projects shall satisfy the applicable requirements of 40 CFR 93.109 through ~~93.118~~-93.119.

6 (e) Written commitments to implement control measures that are not included in the transportation plan ~~and~~
7 transportation improvement program (TIP) shall be obtained before a conformity ~~determination~~determination, and
8 these commitments shall be fulfilled. Written commitments to implement mitigation measures shall be obtained
9 before a positive conformity determination, and project sponsors shall comply with these commitments.

10 (f) A recipient of federal funds designated under Title 23 U.S.C. or the Federal Transit Act shall not adopt or approve
11 a ~~regionally significant~~regionally-significant highway or transit project, regardless of funding source, unless the
12 requirements of 40 CFR Part 93 are ~~fully complied with~~met.

13 (g) The degree of specificity required in a transportation plan and the specific travel network assumed for air quality
14 modeling shall not preclude the consideration of alternatives in the National Environmental Policy Act of 1969
15 process, in accordance with 40 CFR 93.107.

16 (h) When assisting or approving any action with air quality-related consequence, the Federal Highway Administration
17 and the Federal Transit Administration of the Department of Transportation shall give priority to the implementation
18 of those transportation portions of an applicable implementation plan prepared to attain and maintain the national
19 ambient air quality ~~standards~~standards, as provided under 40 CFR 93.103. This priority shall be consistent with
20 statutory requirements for allocation of funds among states or other jurisdictions.

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22 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*

23 *Eff. April 1, ~~1999~~-1999;*

24 *Readopted Eff. January 1, 2018.*

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1 15A NCAC 02D .2005 is readopted with changes as published in 31:24 NCR 2476-2477 as follows:

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3 **15A NCAC 02D .2005 MEMORANDUM OF AGREEMENT**

4 (a) The Division of Air Quality shall develop and maintain a memorandum of agreement with the North Carolina
5 Department of Transportation, the metropolitan planning organizations of the areas identified in 15A NCAC 02D Rule
6 ~~.2001.2001~~, (b), (c), or (d) of this Section, and the United States Department of Transportation to describe the
7 participation and responsibilities of each of these agencies in implementing the requirements of this Section and 40
8 CFR Part 93. For those areas identified in Rule 15A NCAC 02D .2001, (b), (c), or (d) of this Section for which there
9 is no metropolitan planning organization, the North Carolina Department of Transportation shall represent those areas
10 for the purposes of the memorandum of agreement. The memorandum of agreement shall include:

- 11 (1) consultation procedures described under in 40 CFR 93.105;
- 12 (2) the projected time allotted for each agency to review and comment on or to respond to comments
13 on transportation improvement programs, transportation plans, and transportation projects; and
- 14 (3) consultation procedures for the development of State Implementation Plans that relate to
15 transportation.

16 The contents of the Memorandum of Agreement shall comply with the criteria and procedures in the federal Clean
17 Air Act Section 176(c) [42 U.S.C. 7401-7671q] and 40 CFR Part 51, Subpart T, 40 CFR Part 93, Subpart A, and
18 Rules 15A NCAC 02D .2001 through ~~.2004~~ of this Section. ~~.2004~~.

19 (b) No recipient of federal funds (as funds), defined at in 40 CFR ~~93.101~~93.101, designated under Title 23 U.S.C. or
20 the Federal Transit Act shall adopt or approve or take any action to develop or implement a regionally
21 significant regionally-significant highway or transit project unless such recipient has signed the Memorandum of
22 Agreement established under this Rule. This Memorandum of Agreement shall bind the recipient to adhere to the
23 conformity criteria and procedures of this Section.

24 (c) No agency shall adopt or approve or take any action to implement or develop any transportation plan,
25 transportation improvement program, or federally funded or approved FHWA/FTA highway or transit project unless
26 the agency has signed the Memorandum of Agreement established under this Rule. This Memorandum of Agreement
27 shall bind the recipient to adhere to the conformity criteria and procedures of this Section.

28 (d) Each federal agency that participates in determinations of conformity to state and federal implementation plans
29 shall sign the Memorandum of Agreement established under this Rule. This Memorandum of Agreement shall bind
30 the recipient to adhere to the conformity criteria and procedures of this Section.

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32 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);*
33 *Eff. April 1, ~~1999~~1999;*
34 *Readopted Eff. January 1, 2018.*
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1 15A NCAC 02D .2202 is readopted with changes as published in 31:24 NCR 2477 as follows:

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3 **15A NCAC 02D .2202 DEFINITIONS**

4 For the purposes of this Section, the following definitions apply:

5 (1) "Special Order" means a directive of the Commission to any person whom it finds responsible for
6 causing or contributing to any ~~pollution of the air of~~ air pollution in the State. The term includes all
7 orders or instruments issued by the Commission pursuant to G.S. 143-215.110.

8 (2) "Consent Order" means a Special Order into which the Commission enters with the consent of the
9 person who is subject to the order.

10 ~~(3) "Special Order by Consent" means "Consent Order."~~

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12 *History Note: Authority G.S. 143-212; 143-213; 143-215.3(a)(1); 143-215.110;*

13 *Eff. April 1, 2004;*

14 *Readopted Eff. January 1, 2018.*

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