

SUBCHAPTER 2D - AIR POLLUTION CONTROL REQUIREMENTS
SECTION 2D.0100 - DEFINITIONS AND REFERENCES

.0101 DEFINITIONS

The definition of any word or phrase used in Regulations of this Subchapter is the same as given in Article 21, Chapter 143 of the General Statutes of North Carolina, as amended. The following words and phrases which are not defined in the Article, have the following meaning:

- (1) "Act" means "The North Carolina Water and Air Resources Act."
- (2) "Administrator" means when it appears in any Code of Federal Regulation incorporated by reference in this Subchapter, the Director of the Division of Air Quality unless:
 - (a) a specific rule in this Subchapter specifies otherwise; or
 - (b) the U.S. Environmental Protection Agency in its delegation or approval specifically states that a specific authority of the Administrator of the Environmental Protection Agency is not included in its delegation or approval.
- (3) "Air pollutant" means an air pollution agent or combination of such agents, including any physical, chemical, biological, radiative substance or matter emitted into or otherwise enters the ambient air.
- (4) "Ambient air" means that portion of the atmosphere outside buildings or other enclosed structures, stacks, or ducts, and that surrounds human or plant life, or property.
- (5) "Approved" means approved by the Director of the Division of Air Quality.
- (6) "Capture System" means the equipment (including hoods, ducts, fans, etc.) used to contain capture, or transport a pollutant to a control device.
- (7) "CFR" means Code of Federal Regulations.
- (8) "Combustible material" means any substance that, when ignited, will burn in air.
- (9) "Construction" means change in method of operation, or any physical change, including on-site fabrication, erection, installation, replacement, demolition, or modification of a source, that results in a change of emissions or affects the compliance status.
- (10) "Control device" means equipment (fume incinerator, adsorber, absorber, scrubber, filter media, cyclone, electrostatic precipitator, or the like) used to destroy or remove air pollutant(s) before discharge to the ambient air.
- (10) "Day" means a 24-hour period beginning at midnight.
- (11) "Director" means the Director of the Division of Air Quality unless otherwise specified.
- (12) "Division" means Division of Air Quality.
- (13) "Dustfall" means particulate matter that settles out of the air and is expressed in units of grams per square meter per 30-day period.
- (14) "Emission" means the release or discharge, whether directly or indirectly, of any air pollutant into the ambient air from any source.
- (15) "Facility" means all of the pollutant emitting activities, except transportation facilities as defined under Rule .0802 of this Subchapter, that are located on one or more adjacent properties under common control.
- (16) "FR" means Federal Register.
- (17) "Fugitive emission" means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (18) "Fuel Burning Equipment" means equipment whose primary purpose is the production of energy or

- power from the combustion of any fuel. The equipment is generally used for, but not limited to, heating water, generating or circulating steam, heating air as in warm air furnace furnishing process heat by transferring energy by fluids or through process vessel walls.
- (19) "Garbage" means any animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.
 - (20) "Incinerator" means a device designed to burn solid, liquid, or gaseous waste material.
 - (21) "Opacity" means that property of a substance tending to obscure vision and is measured as percent obscuration.
 - (22) "Open Burning" means any fire whose products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney, approved incinerator, or other similar device.
 - (23) "Owner or operator" means and person who owns, leases, or operates, controls, or supervises a facility, source, or air pollution control equipment.
 - (24) "Particulate matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid at standard conditions.
 - (25) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by methods specified in this Subchapter.
 - (26) "Permitted" means any source subject to a permit under this Subchapter or Section 15 NCAC 2Q.
 - (27) "Person" as defined in N.C.G.S. 143-212 includes any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or its legal representative, agent or assigns.
 - (28) "PM10" means particulate matter with an aerodynamic less than or equal to a nominal 10 micrometers as measured by methods specified in this Subchapter.
 - (29) "PM10 Emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by methods specified in this subchapter.
 - (30) "PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by methods specified in this Subchapter.
 - (31) "Refuse" means any garbage, rubbish, or trade waste.
 - (32) "Rubbish" means solid or liquid wastes from residences, commercial establishments, or institutions.
 - (33) "Rural Area" means an area that is primarily devoted to, but not necessarily limited to, the following uses: agriculture, recreation, wildlife management, state park, or any area of natural cover.
 - (34) "Salvage Operation" means any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, motor vehicles, shipping containers, or drums.
 - (35) "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, or other burned or unburned residue of combustible materials that form a visible plume.
 - (36) "Source" means any stationary article, machine, process equipment, or other contrivance or any tank-truck, trailer or railroad tank car from which air pollutants emanate or are emitted, either directly or indirectly.
 - (37) "Sulfur Oxides" means sulfur dioxide, sulfur trioxide, their acids and the salts of their acids.

- The concentration of sulfur dioxide is measured by the methods specified in this Subchapter.
- (38) "Total suspended particulate" means any finely divided solid or liquid material, except water in uncombined form, that is or has been airborne, as measured by methods specified in this Subchapter.
 - (39) "Trade Wastes" means all solid, liquid, or gaseous waste materials or rubbish resulting from combustion, salvage operations, building operations, or the operation of any business, trade, or industry including, but not limited to, plastic products, paper, wood, glass metal, oil and chemicals.
 - (40) "ug" means micrograms

History Note: Authority G.S. 143-213; 143-215.3(a) (1);
 Eff. February 1, 1976;
 Amended Eff. December 1, 2005; June 1, 2004; July 1, 1998; July 1, 1996; July 1, 1994; December 1, 1989; July 1, 1988.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Jan 27, 1972	May 31, 1972	37 FR 10884
1 st Revision	Mar 31, 1976	Jun 03, 1986	51 FR 19834
2 nd Revision	Nov 01, 1976	Apr 18, 1977	42 FR 20132
3 rd Revision	Apr 17, 1984	Oct 11, 1985	50 FR 41501
4 th Revision	May 02, 1988	Jan 16, 1990	55 FR 1419
5 th Revision	Sep 21, 1989	June 23, 1994	59 FR 32397
6 th Revision	July 29, 1998	Nov 10, 1999	64 FR 61213
7 th Revision	Oct 14, 2004	Jul 18, 2017	82 FR 32767
8 th Revision	Mar 24, 2006	Jul 18, 2017	82 FR 32767

.0103 COPIES OF REFERENCED FEDERAL REGULATIONS

(a) Copies of the applicable Code of Federal Regulations section referred to in this Subchapter are available for public inspection at the Department of Environment and Natural Resources regional offices. They are:

- (1) Asheville Regional Office, 2090 Highway 70, Swannanoa, North Carolina 28778;
 - (2) Winston-Salem Regional Office, 585 Waughtown Street, Winston-Salem, NC 27107;
 - (3) Mooresville Regional Office, 610 East Center Avenue, Suite 301, Mooresville NC 28115;
 - (4) Raleigh Regional Office, 3800 Barrett Drive, P.O. Box 27687, Raleigh, NC 27611;
 - (5) Fayetteville Regional Office, Systel Building, 225 Green Street, Suite 714, Fayetteville, NC 28301;
 - (6) Washington Regional Office, 943 Washington Square Mall, Washington, North Carolina 27889;
 - (7) Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, NC 28403;
- (b) Copies of such regulations can be made at these regional offices for ten cents (\$0.10) per page.

History Note: Authority G.S. 143-215.3; 150B-21.6;
Eff. December 1, 1976;
Amended Eff. December 1, 2005; December 1, 1992; August 1, 1991;
July 1, 1988; July 1, 1987; July 1, 1984; June 1, 1980; November 1, 1978.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Nov 01, 1976	Apr 18, 1977	42 FR 20133
1 st Revision	May 02, 1980	April 13, 1981	46 FR 21599
2 nd Revision	April 17, 1984	Oct 11, 1985	50 FR 41501
3 rd Revision	April 14, 1987	Feb 29, 1988	53 FR 5974
4 th Revision	May 02, 1988	Dec 12, 1988	53 FR 49881
5 th Revision	Mar 03, 1993	Aug 15, 1994	59 FR 41708
6 th Revision	Mar 24, 2006	Jul 18, 2017	82 FR 32767

.0104 INCORPORATION BY REFERENCE

(a) Anywhere there is a reference to rules contained in the Code of Federal Regulations (CFR) in this Subchapter, those rules are incorporated by reference.

(b) The Code of Federal Regulation incorporated by reference in this Subchapter shall automatically include any later amendments thereto unless a specific rule specifies otherwise.

(c) The Code of Federal Regulations may be purchased from the Superintendent of Documents, P. O. Box 371954, Pittsburgh, PA 15250. The cost of the referenced documents is as follows:

- (1) 40 CFR Parts 1 to 51: fifty dollars (\$50.00).
- (2) 40 CFR Part 52: thirty-nine dollars (\$39.00).
- (3) 40 CFR Parts 53 to 59: eleven dollars (\$11.00).
- (4) 40 CFR Part 60: thirty-six dollars (\$36.00).
- (5) 40 CFR Parts 61 to 71: thirty-six dollars (\$36.00).
- (6) 40 CFR Parts 72 to 85: forty-one dollars (\$41.00).
- (7) 40 CFR Part 86: forty dollars (\$40.00).
- (8) 40 CFR Parts 87 to 135: five dollars (\$5.00)
- (9) 40 CFR Parts 260 to 289: forty dollars (\$40.00).

These prices are October 15, 1996 prices.

(d) The American Society for Testing and Materials methods may be purchased from the Air Quality Division, P.O. Box 29580, Raleigh, North Carolina 27626-0580 at a price of twenty cents (\$0.20) per page.

History Note: Authority G.S. 150B-21.6;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; May 1, 1995; December 1, 1992; October 1, 1989.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	Jul 14, 1989	Jan 16, 1990	55 FR 1419
1 st Revision	Mar 03, 1993	Aug 15, 1994	59 FR 41740
2 nd Revision	Jul 29, 1998	Nov 10, 1999	64 FR 61213

.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 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. Payment of fees required under this Section may be by check or money order for thirty dollars (\$30.00) made payable to the Department of Environment, and Natural Resources. 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.

History Note: Authority G. S. 143-215.3(a)(1); 150B-21.2(d)
Eff. April 1, 1995;
Amended Eff. July 1, 2002; July 1, 1998.

	Date Submitted to EPA	Date Approved by EPA	Federal Register
Original Reg.	July 29, 1998	Nov 10, 1999	64 FR 61213
1 st Revision	Apr 04, 2003	Sept 17, 2003	68 FR 54362