

Summary of February 20, 2024 Revisions to the Mecklenburg County Air Pollution Control Ordinance

Regulations found in the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) originate from either of two sources. Some are developed by Mecklenburg County, but many are adopted by reference from state rules. This adoption will consist solely of state rules adopted by reference.

The North Carolina Department of Environmental Quality - Division of Air Quality (NCDEQ-DAQ) held public hearings state-wide prior to adoption of these state rules. Changes originate from Chapter 15A of the North Carolina Administrative Code (15A NCAC).

Regulations Adopted by Reference From State Rules

Note: All regulations are adopted by reference from state rules. The description of changes below are summaries and are not intended to be all-inclusive.

Mecklenburg County Air Pollution Control Ordinance Regulation To Be Revised	North Carolina Administrative Code Rule (15A NCAC) (State Code)	Summary of Change(s)
MCAPCO 2.0516	2D .0516 – “Sulfur Dioxide Emissions from Combustion Sources”	This regulation establishes requirements and particulate emission standards for fuel burning indirect heat exchangers. This amendment clarifies that the use of supplemental fuel beyond what is needed for combustion is not a means for compliance with the sulfur dioxide standard in the regulation.
MCAPCO 2.0608	2D .0608 – “Other Large Coal or Residential Oil Burners”	This regulation establishes requirements for determining sulfur dioxide emissions from large coal or residual oil burning units. This amendment provides correction of a typographical error.
MCAPCO 2.0945	2D .0945 – “Petroleum Dry Cleaning”	This regulation establishes requirements and emission standards for volatile organic compounds from petroleum dry cleaning operations. This amendment provides correction of a typographical error.
MCAPCO 2.1204	2D .1204 – “Sewage Sludge Incineration Units”	This regulation establishes requirements and emission standards for multiple pollutants for sewage sludge incineration units. This amendment provides corrections to cross references within the regulation.
MCAPCO 2.1401	2D .1401 – “Definitions”	This regulation establishes definitions for Section 2.1400 for nitrogen oxides. This amendment adds definitions for “EGU (electric generating unit),” “Large non-EGU,” and “NOx (nitrogen oxides) SIP (state implementation plan) Call control period.”
MCAPCO 2.1402	2D .1402 – “Applicability”	This regulation establishes applicability for Section 2.1400 for nitrogen oxides. This amendment adds new regulations 2.1424 and 2.1425 to the list of statewide applicable regulations.
MCAPCO 2.1424	2D .1424 – “Large Non-Electric Generating Units”	This new regulation allows for alternative monitoring options for large

		non-EGUs to determine NOx emissions during ozone season.
MCAPCO 2.1425	2D .1425 – “NOx SIP Call Budget”	This new regulation provides the NOx ozone season budgets for EGUs and large non-EGUs and requires reporting of NOx emissions.
MCAPCO 2.2608	2D .2608 – “Number of Runs and Compliance Determination”	This regulation establishes that each source test shall consist of three consecutive runs of the applicable test method at the same operating condition, and that compliance with an applicable emission standard is determined using the average of the results from each of the three runs. This amendment provides correction of a typographical error.
MCAPCO 1.5102	2Q .0103 – “Definition of Terms”	This regulation establishes definitions for Section 1.5100 for general provisions and administration. This amendment revises the definition of “Federally-enforceable” and adds a new definition for “State or Local-enforceable only” to align with the usage of these terms in 40 CFR Part 70.6(b).
MCAPCO 1.5503	2Q .0503 – “Definitions”	This regulation establishes definitions for Section 1.5500 for Title V procedures. This amendment revises the definition of “Timely” to align with 40 CFR Part 70.
MCAPCO 1.5504	2Q .0504 – “Option for Obtaining Construction and Operation Permit”	This regulation establishes criteria for obtaining a construction and operation permit for a Title V facility. This amendment removes the paragraph (c) reference to prevention of significant deterioration and new source review for non-attainment areas since those programs apply regardless of the application processing schedule. This amendment also clarifies that the Title V application submittal date is 12 months from becoming subject to Title V for new or first-time permittees.
MCAPCO 1.5505	2Q .0505 – “Application Submittal Content”	This regulation establishes Title V permit content requirements. This amendment provides a minor formatting change with no substantive content changes.
MCAPCO 1.5507	2Q .0507 – “Application”	This regulation establishes Title V permit application requirements. This amendment revises paragraph (a) to clarify that a complete Title V permit application is required to be submitted within 12 months of the source becoming subject to the permit program. The current language requires a timely application be submitted within one year of the date of beginning of operation. The revised language is broader, such that it also encompasses existing sources that become newly subject.
MCAPCO 1.5508	2Q .0508 – “Permit Content”	This regulation establishes requirements for content included in Title V permits. This amendment removes the qualifier,

		<p>“if regulated” from subparagraph (i)(13) to clarify that fugitive emissions are included in Title V permits, as required by 40 CFR 70.3(d). This amendment also adds language to clarify that Title V permits should only include terms that are enforceable by the Department only (no “federally-enforceable” only terms should be present). Other minor formatting and clarification changes made to align the regulation with Part 70 requirements.</p>
MCAPCO 1.5509	2Q .0509 – “Permitting of Numerous Similar Facilities”	<p>This regulation establishes requirements to issue a single Title V permit to cover numerous similar facilities. This amendment adds language to paragraph (h) to clarify that the granting of a general permit under this regulation is not considered a final permit action for purposes of judicial review to align with 40 CFR 70.6(d)(2).</p>
MCAPCO 1.5514	2Q .0514 – “Administrative Permit Amendments”	<p>This regulation establishes requirements for Title V administrative permit amendments. This amendment removes references to “federally-enforceable” and clarifies language to align with Part 70 requirements.</p>
MCAPCO 1.5516	2Q .0516 – “Significant Permit Modification”	<p>This regulation establishes requirements for Title V significant permit modifications. This amendment adds a new paragraph to state that significant permit modifications shall be processed in accordance with 1.5525.</p>
MCAPCO 1.5518	2Q .0518 – “Final Action”	<p>This regulation establishes requirements for final Title V permit actions to be taken by the Director. This amendment adds a new requirement for the Director to wait 15 days after the end of EPA’s 45-day review period to issue a final permit or permit revision, except for administrative amendments and ownership changes. This amendment also adds a new paragraph (f) to include the 18-month timeframe from Part 70 for taking final action on permit applications.</p>
MCAPCO 1.5521	2Q .0521 – “Public Participation”	<p>This regulation establishes the requirements for providing notice with the opportunity for public comment for issuing Title V permits. This amendment requires that public notices shall remain on the website for the duration of a comment period and that notices of permit actions shall be emailed to persons subscribed to MCAQ’s email list serve for permits. This amendment also adds Part 70 requirements for processing public input.</p>
MCAPCO 1.5522	2Q .0522 – “Review by EPA and Affected States”	<p>This regulation establishes the requirements for MCAQ for providing</p>

		Title V permit application reviews, proposed permits, and final permits to EPA and for providing Title V final permits to the affected state. This amendment revises the statement of basis and response to comment requirements to align with those in Part 70. This amendment also adds a new paragraph (g) to specify how MCAQ should submit this information.
MCAPCO 1.5525	2Q .0525 – “Application Processing Schedule”	This regulation establishes the timeline requirements for MCAQ for processing Title V permit applications. This amendment revises the regulation to align with current Part 70 requirements and explicitly refers to relevant requirements in other Section 1.5500 regulations.
MCAPCO 1.5526	2Q .0526 – “112(J) Case-By-Case MACT Procedures”	This regulation establishes permit procedures that are required to be followed for an owner or operator of a source required to apply maximum achievable control technology (MACT) pursuant to 2.1109 – “112(j) Case-By-Case Maximum Achievable Control Technology.” This amendment provides minor formatting changes with no substantive content changes.