

PROPOSED REVISIONS
TO THE
MECKLENBURG COUNTY
AIR POLLUTION CONTROL ORDINANCE



Proposed Adoption Date
February 20, 2024

MECKLENBURG COUNTY AIR QUALITY
2145 SUTTLE AVENUE
CHARLOTTE, NORTH CAROLINA 28208-5237

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REVISIONS TO THE
MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE

Providing for the administration and enforcement of an Air Pollution Control Program in Mecklenburg County,

Be it ordained by the Mecklenburg County Board of Commissioners acting pursuant to authority delegated to it under North Carolina General Statutes Section 143-215.112, and pursuant to authority granted to it by North Carolina General Statutes Section 130A-39 and 153A-77 that the Mecklenburg County Air Pollution Control Ordinance (hereinafter “MCAPCO”) providing for the administration and enforcement of an air pollution control program for the protection of the environment and protection of the public health is hereby amended.

This Ordinance, as amended, shall apply throughout Mecklenburg County, North Carolina, including but not limited to all cities, towns, hamlets and villages, whether incorporated or unincorporated.

SECTION 1: Adoption of Certain State Air Pollution Control Regulations
By Reference

The following rules and section of rules of the North Carolina Air Quality Rules, 15A NCAC Chapter 2 - Subchapters 2D and 2Q as amended through June 1, 2023, are hereby adopted by reference (pursuant to North Carolina General Statute 143-215.112(c)(1)(d)) thus becoming a part of MCAPCO as fully as if set out verbatim herein and any of said regulations previously incorporated by reference are replaced thereby.

The following changes are from 15A NCAC 2D:

- .0516** ***“Sulfur Dioxide Emissions from Combustion Sources” (MCAPCO 2.0516)***
- .0608** ***“Other Large Coal or Residential Oil Burners” (MCAPCO 2.0608)***
- .0945** ***“Petroleum Dry Cleaning” (MCAPCO 2.0945)***
- .1204** ***“Sewage Sludge Incineration Units” (MCAPCO 2.1204)***
- .1401** ***“Definitions” (MCAPCO 2.1401)***
- .1402** ***“Applicability” (MCAPCO 2.1402)***
- .1424** ***“Large Non-Electric Generating Units” (MCAPCO 2.1424)***
- .1425** ***“NOx SIP Call Budget” (MCAPCO 2.1425)***
- .2608** ***“Number of Runs and Compliance Determination” (MCAPCO 2.2608)***

The following changes are from 15A NCAC 2Q:

- .0102** ***“Definition of Terms” (MCAPCO 1.5102)***
- .0503** ***“Definitions” (MCAPCO 1.5503)***
- .0504** ***“Option for Obtaining Construction and Operation Permit” (MCAPCO 1.5504)***
- .0505** ***“Application Submittal Content” (MCAPCO 1.5505)***
- .0507** ***“Application” (MCAPCO 1.5507)***
- .0508** ***“Permit Content” (MCAPCO 1.5508)***
- .0509** ***“Permitting of Numerous Similar Facilities” (MCAPCO 1.5509)***
- .0514** ***“Administrative Permit Amendments” (MCAPCO 1.5514)***
- .0516** ***“Significant Permit Modification” (MCAPCO 1.5516)***
- .0518** ***“Final Action” (MCAPCO 1.5518)***
- .0521** ***“Public Participation” (MCAPCO 1.5521)***
- .0522** ***“Review by EPA and Affected States” (MCAPCO 1.5522)***
- .0525** ***“Application Processing Schedule” (MCAPCO 1.5525)***
- .0526** ***“112(J) Case-By-Case MACT Procedures” (MCAPCO 1.5526)***

Copies of the amended portions of the above regulations are in the attached Appendix. The Appendix shows changes with dashed lines through words which have been deleted and with lines under words which have been added.

SECTION 2: Codification

In order to further the administration of and compliance with this Ordinance, the Director is hereby authorized and directed to reorganize and codify this Ordinance, as amended, in a logical form and sequence in a single document. In so doing, the Director, at her discretion, shall have the authority:

- a. to set out in full any provisions of the State Air Quality Rules adopted and incorporated herein by reference (including to appropriately “localize” terms in such State Rules to make them applicable at the County level); and/or
- b. to merely cite any applicable State Air Quality Rules by reference, provided the general topic covered by any State Rule so cited by reference is reasonably identified by a heading in the codified version of this Ordinance and a complete copy of such State Air Quality Rules is attached to and made a part of such codified version.

As part of such re-codification, the Director shall make such revisions as are necessary to correct typographical and syntactical errors contained in the Articles amended hereby. Provided, in reorganizing and codifying this Ordinance, as amended, pursuant to this section, the Director shall not have the authority to make any substantive changes to this Ordinance, as amended. In the event of any ambiguity in the codified Ordinance or any conflict between the provisions of this Ordinance, as amended, and the provisions of any such codification, the provisions of this amendment as herein enacted shall control.

A copy of the MCAPCO, incorporating the portions amended hereby, as codified, will be kept on file in the Office of the Clerk of the Superior Court of Mecklenburg County, the Office of Mecklenburg County Air Quality, and the Office of the Clerk to the Mecklenburg County Board of Commissioners.

SECTION 3: Effective Date

This amendment and all Regulations referenced herein shall be effective February 20, 2024, except as otherwise provided therein.

Adopted the _____ day of _____, 2024, by the Mecklenburg County Board of Commissioners.

Approved as to form,

County Attorney

Clerk to the Board