

## CHAPTER 3

### AIR QUALITY CONTROL<sup>1</sup>

#### SUBCHAPTER 3B - RELATIONSHIP TO STATE CODE

##### .0101 IN GENERAL

(a) It is the intention of Forsyth County to establish an air quality technical code that follows the requirements of the Air Quality Code of the State of North Carolina, found in 15A NCAC 2D and 2Q, with necessary localization and minimum modifications and deviations from the State Code. Should the County adopt a provision that differs from the State's Rule, then such a departure from the State Code will be noted. Discussion in this subchapter of a difference between the State Code and the County Code is intended to facilitate comparison. Nothing in this subchapter should be construed as altering the intent, meaning or scope of any County Code provision.

(b) With the exception of modifications made to localize references, such as those noted in this Subchapter, any County Code language that is not identical to the corresponding State Code language is denoted by "[ " at the beginning of the change and "]" at the end of the change. Any County provision that does not contain a word or words found in the State provision will note the deletion by "[ ]". The bracketed material will be footnoted, and the difference between the State and County Codes will be described. Footnotes which appear in Subchapters 3D and 3Q are for information only and are not adopted as part of the Forsyth County Code.

(c) 15A NCAC 2D and 2Q contain numerous references to the Division of Air Quality, the Director of that Division, and to other Rules of 15A NCAC 2D and 2Q, which would be inappropriate in the Forsyth County Code. The following changes in words, phrases, and references have been and will be made to State Code provisions as a matter of course. These deviations from the State regulations will not be further noted, nor will the system given in (b) above be used to identify them:

- (1) References to the "Director," "Regional Supervisor", "Regional Air Quality Supervisor", or "Regional Office Supervisor", which refer to the State official, or wording with the same intended meaning in State Code provisions have been changed to "Director" and refer to the Director of the Forsyth County Environmental Affairs Department;
- (2) "Division", "Air Quality Division", "air quality section", "North Carolina Division of Air Quality", "regional" (meaning regional office of the DAQ), "local air pollution agency" or "Division of Air Quality", or wording with the same intended meaning has been changed to the "Forsyth County Environmental Affairs Department" or "Department";
- (3) "Environmental Management Commission" or "Commission", or wording with the same intended meaning has been changed to the "Forsyth County Board of Commissioners";
- (4) "State" and "North Carolina" has been changed to "County", except where the reference is to "State court", "Affected States" or "areas of the State";
- (5) References to "15A NCAC 2D" or "Subchapter 2D" or to regulations contained

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<sup>1</sup>**Cross references**--Buildings and building regulations, Ch. 7; erosion control, Ch. 9; fire prevention and protection, Ch. 10; zoning ordinance, Ch. 23.

**State law references**--Air pollution control, G.S. §143-215.105 *et seq.*; authority of Board of County Commissioners to establish, administer, and enforce a local air pollution control program. G.S. §143-215.112(c); authority to levy taxes to maintain and administer such program, G.S. §153A-149(c)(3).

therein have been changed to refer to the appropriate provision(s) of the Forsyth County Code, Subchapter 3D, Air Pollution Control Requirements;

(6) Reserved;

- (7) References to "15A NCAC 2Q" or "Subchapter 2Q" or to regulations contained therein have been changed to refer to the appropriate provision(s) of the Forsyth County Code, Subchapter 3Q, Air Quality Permits;
- (8) References to "North Carolina Division of Air Quality" or "Department of Environment and Natural Resources regional offices" and their physical address/es have been changed to refer to the "Forsyth County Environmental Affairs Department office located at 537 N. Spruce Street, Winston-Salem, NC 27101-1362"; and,
- (9) When rules are repealed by the State, with rule number remaining, the rule number shall be retained, but the title (if present) shall be deleted and the word "Repealed" shall remain in the County Code. (Ord. No. 4-94, 5-23-94; Ord. No. 9-94, 12-19-94, 11-11-96, 7-28-97, 9-14-98, 5-24-99)

**THIS IS THE FEDERALLY APPROVED REGULATION AS OF FEBRUARY 17, 2000**

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**.0102 AIR POLLUTION CONTROL REQUIREMENTS (SUBCHAPTER 3D)**

(a) The following County Code provisions differ from the corresponding state Rules in the manner described:

- (1) .0913(c); .0943(m) - The State Code provides for automatic incorporation by reference of amendments in some provisions referenced in the State Code. The Forsyth County Code does not adopt these provisions. The County will periodically update these references in the Code.
- (2) .0105 - The State has a mailing list for rule making notices, which is not adopted in the County Code.
- (3) .0501(c)(1)(E) - The State Code uses the word "impossible". The County Code changed the wording to "using all reasonable means possible."
- (4) .0539(b); .1806; .1807 - rules .1806 & .1807 not adopted in the County Code and references to those rules not adopted.
- (5) .0522(a) through (f) - The County received permission from the N.C. Environmental Management Commission to adopt the County's present odor regulation. Therefore, the County elects to retain its existing odor regulation.
- (6) .0524(c); .1110(b); .1111(c) - The State Code provides for variance in the rules. The County Code must be compatible with the state rules and therefore cannot change these standards without approval from the N.C. Environmental Management Commission, therefore the County did not adopt this rule.
- (7) Reserved.
- (8) .0531(a)(1)(B); .0902(a), (b), (c), (d), (e), (f) & (g); .0909(b)(1); .0953(a); .1402(d), (e), (f) & (g), .1403(c), .1409(b), (d) & (g), .1416, .1417(b)(1) & (b)(2) & .1422, .1601(b) & (c); .2001(b) & (c) - Wording changed or not adopted because it applies to area(s) outside the jurisdiction of Forsyth County.
- (9) .0531(k) - Sentences were replaced to clarify the procedure.

- (10) .0533(a)(7) - The state Rule refers to local air quality programs certified by the Commission. The Forsyth County Environmental Affairs Department is certified by the N.C. Environmental Management Commission, thus this reference is not adopted in the County Code.
  - (11) .0538(e); .0602(1); .0802(5) - NC General Statute referenced was removed because it is not necessary.
  - (12) .0615 - The State Code allows the director to delegate the administration and/ or approval functions to the regional supervisor, Deputy Director, Regional Air Quality Supervisor or any other supervisor in the Permitting, Ambient Monitoring or Technical Services Section of the Division. The County Code provides for this delegation to the division managers of the Forsyth County Environmental Affairs Department.
  - (13) .0901(7) - Wording added to clarify the rule.
  - (14) .0927(k) - The state rule refers to Commission. The County Code clarifies this as the North Carolina Environmental Management Commission.
  - (15) .1110(d); .1902(3); .1903(11)(A) - The state asbestos NESHAP program has been transferred to the Division of Epidemiology, which issues permits and charges fees. The EPA has delegated NESHAP authority to the Forsyth County Environmental Affairs Department for asbestos renovation and demolition enforcement in Forsyth County.
  - (16) .0958(c)(4) & (d)(5) - The wording “unless volatile organic compound emissions are captured and controlled” is added to the County Code to clarify and meet the intent of the rule.
  - (17) .1903(a) - The County issues permits for some types of open burning. Therefore the title and first sentence was changed.
  - (18) .1903(b)(11) - The County adds a reference for paragraph .1903(d) which was added to the Code.
  - (19) .1903(d) - In Forsyth County a Burning Permit is required for intentional burning of any institutional, commercial, public, industrial, or residential structure, installation, or building, for the instruction and training of fire-fighting personnel.
  - (20) .1903(b)(2); .1904(a),(b)(5)-(6) & (c) - The State Code contains rules for permanent air curtain burners. Forsyth County does not allow permanent sites for air curtain burners.
  - (21) .1904(b)(2) - Forsyth County does not allow yard waste to be burned in air curtain burners, because it can become an NSPS issue.
  - (22) .1906 - The State Code contains a section for “Delegation to County Governments”. This Rule is not needed in the County Code.
  - (23) .1903(2); .1904(13) - The County clarifies that “material to be burned must originate from the land being cleared or the area being maintained”. Materials from other sites cannot be brought to an open burning site.
  - (24) .2005(a) - The State “develops” the MOA for Transportation Conformity and Forsyth County reviews, comments and “signs” the portion that pertains to Forsyth County.  
(Ord. No. 4-94, 5-23-94; 12-19-94; 11-13-95, 11-11-96, 7-28-97, 9-14-98, 5-24-99, 10-25-99, 7-24-00, 05-14-01, 7-22-02)
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**.0103 AIR QUALITY PERMITS (SUBCHAPTER 3Q)**

(a) The following County Code provisions differ from the corresponding State Rules in the manner described:

- (1) .0102(b)(2); .0102(c)(1)(A)(ii); .0302(b)(2); .0503(7)(J) - The State asbestos NESHAP program has been transferred to the Division of Epidemiology, which issues permits and charges fees. The EPA has delegated NESHAP authority to the FCEAD for asbestos renovation and demolition enforcement in Forsyth County.
- (2) .0102(c)(1)(D)(ii) & (c)(1)(G) - The County enforces a Stage I Vapor Recovery Program pursuant to Subchapter 3D .0928. Stage I controls are considered an applicable requirement in Forsyth County, therefore gasoline storage tanks, gasoline service stations or gasoline dispensing facilities are not exempted by category from permitting requirements in Forsyth County. These facilities are subject to permitting in the County under the Stage One Vapor Recovery Program.
- (3) .0102(c)(2)(A) - The County provision excludes storage tanks regulated by Subchapter 3D .0928, .0953 and .0954 from the list of activities exempted because of size or production rate. This difference from the State Rule is a result of the County's Stage One Vapor Recovery Program. The State Code exempts all storage tanks that meet the requirements of .0102(b)(2)(A)(i) and (ii).
- (4) .0102(c)(2)(C) - The County did not adopt the exemption for "bulk gasoline plants with an average daily throughput of less than 4000 gallons that is not required to be permitted under Section .0500", since such plants are regulated by Subchapter 3D .0926, and subject to the County's Stage One Vapor Recovery Program, under 3D .0928.
- (5) .0103(26); .0308(a)(1) & (3); .0309(a)(6); .0518(a)(1) & (3); .0519(a)(7); .0605(a)(1) & (3); .0606(a)(5) - The General Statute reference changed to reference Chapter 3 of the Forsyth County Code.
- (6) .0103(34); .0602(4) - The General Statute referenced definition is replaced by the actual definition.
- (7) .0106(b) - Section .0106(b) of the State Code provides for automatic incorporation by reference of amendments to CFR provisions already referenced in the Code. The Forsyth County Code did not adopt this provision. The County will periodically update the Code's references to CFR provisions.
- (8) .0107(a) - Confidential information is submitted to the Director in Forsyth County.
- (9) .0313; .0527 - The N.C. provisions have expedited application processing schedules for permits that are sealed by professional engineers. This provision is not adopted in the County Code.
- (10) .0108 - The County Rule provides that the Director may delegate tasks to certain staff of the Environmental Affairs Department.
- (11) .0112(a)-(c) - The N.C. provisions require that a professional engineer seal

technical portions of air permit applications. This provision is not adopted in the County Code.

- (12) .0202(5), (6) & (7); .0203(a)-(m); .0204(b); .0206(e), .0207(a) - The State and County have differing fee systems. The State's fee system can be seen on the State's web site at [www.daq.state.nc.us/permits/fees](http://www.daq.state.nc.us/permits/fees).
- (13) .0203(a); .0205(a) - The State Code provides for a 25 percent discount of annual permit fees to a facility that has demonstrated compliance with all air quality requirements by not receiving a Notice of Violation or Notice of Non-compliance during the previous calendar year. Forsyth County gives no such discount.
- (14) .0203(a) & (b); .0204(a) - The corresponding State regulation provides for an inflation adjustment each year. The County Code provides that a fee adjustment be made each year, based on the direct and indirect costs of the Title V program.
- (15) .0206(a) - The County Rule provides for payment of fees "by check or money order made payable to the Forsyth County General Fund." The State Rule directs that payment be made to the Department of Environment and Natural Resources.
- (16) .0107(a); .0206(d); .0304(b)(2); .0507(d)(2); .0519(b); .0606(b)- The General Statute reference is not adopted in the County Code.
- (17) .0102(b)(5); .0207(b) - Wording changed or not adopted because it applies to an area(s) outside of the jurisdiction of Forsyth County.
- (18) .0304(b)(1); .0305(a)(1)(B); .0505(1)(B); .0507(d)(1) - The N.C. provision requires submission of a consistency determination letter from local government indicating that all zoning or subdivision ordinances have been met. The County is a local government, therefore this provision is not adopted in the County Code.
- (19) .0308(b); .0503(5) - The General Statute reference is changed to a Forsyth County Code reference.
- (20) .0306(b) - The Director approves permits containing conditions as part of the SIP in the County Code. The Director also submits permits to the EPA for inclusion as part of the SIP in the County Code.
- (21) .0307(h); .0521(h) - The N.C. provision requires an annual payment of \$30 for placement on the mailing list for air quality permit notices. The County Code did not adopt this requirement.
- (22) .0805(a), (b), (d), (e) & (f); .0806(b) & (c) - Changes in the N.C. rules are not adopted in the County Code due to incompatibilities with EPA's potential to emit guidances.
- (23) .0102(a)(1)(D) - The State added paragraph (D) which reads "40 CFR 60, Subpart WWW, municipal solid waste landfills not permitted under Section .0500 of this Subchapter." The County did not adopt this statement because the County permits municipal solid waste landfills that are NSPS and Title V sources.
- (24) .0312(a)(1)(D); .0705(c); .0803(g)(2)(A)(ii), (B)(ii), & (C)(ii) & (i); .0806(d); .0807(e); .0808(d); - The change clarifies the procedure.
- (25) .0102(b)(6), (c)(1)(L)(x), (c)(2)(B) & (c)(2)(D)(iii) - These sources are permitted in Forsyth County.
- (26) .0603(e) - The changes update the rule. (Ord. No. 4-94, 5-23-94; 12-19-94; 11-13-95, 11-11-96, 7-28-97, 9-14-98, 5-24-99, 10-25-99, 05-14-01, 11-01-01)

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