

SECTION 2.0800 TRANSPORTATION FACILITIES

2.0801 PURPOSE AND SCOPE

(a) The purpose of this Section is to set forth requirements of the Director relating to construction or modification of a transportation facility, which may result in an ambient air quality standard being exceeded.

(b) For purposes of this Section any transportation facility that was under construction, or was the subject of a contract for construction, prior to November 15, 1973, shall not be considered to be a new air pollution source.

(c) Approval to construct or modify a transportation facility shall not relieve any owner or developer of the transportation facility of the responsibility to comply with the state control strategy and all local and state regulations which are part of the Mecklenburg County Portion of the North Carolina State Implementation Plan for Air Quality.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.109;
Eff. February 1, 1976;
Amended Eff. February 1, 1994; July 1, 1984;
December 1, 1976.*

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2.0802 DEFINITIONS

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

- (1) **“Construction”** means any activity following land clearing or grading that engages in a program of construction specifically designed for a transportation facility in preparation for the fabrication, erection, or installation of the building components which are a part of the transportation facility, e.g. curbing, footings, conduit, paving, etc.
- (2) **“Modify”** or **“modification”** means to alter or change the facility resulting in an increase in parking capacity as defined in MCAPCO Regulation 2.0805 - “Parking Facilities” or the number of aircraft operations from an airport as defined in MCAPCO Regulation 2.0804 - “Airport Facilities”.
- (3) **“Owner or developer”** means any person who owns, leases, develops, or controls a transportation facility.
- (4) **“Transportation facility”** means a complex source as defined in G.S. 143-213(22) and is subject to the requirements of this Section.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.109
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2.0803 HIGHWAY PROJECTS

Environmental assessments regarding highway projects will be reviewed in accordance with the National Environmental Policy Act and the North Carolina Environmental Policy Act. If there is no assessment, or if an assessment shows that there may be a problem in complying with an ambient air quality standard, or if the environmental impact assessment fails to show that the highway project will not result in violations of applicable portions of the control strategy, and will not interfere with attainment or maintenance of a national standard, then the following regulatory provisions shall apply:

- (1) A person shall not construct or modify any highway if that highway will result in a contravention of ambient air quality standard;
- (2) Before construction or modification of any highway with an expected maximum traffic volume of 2,000 vehicles per hour or more within 10 years, a person shall apply for and have received a permit as described in MCAPCO Section 1.5600 - "Transportation Facility Procedures", and shall comply with any terms and conditions therein.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.109;
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2.0804 AIRPORT FACILITIES

(a) This Regulation does not apply to military airfields.

(b) Before constructing or modifying any airport facility designed to have at least 100,000 annual aircraft operations, or at least 45 peak-hour aircraft operations (one operation equals one takeoff,

or one landing), the owner or developer of the airport facility shall apply for and have received a permit as described in MCAPCO Section 1.5600 - "Transportation Facility Procedures" and shall comply with all terms and conditions therein.

*History Note: Statutory Authority G.S. 143-215.3(a)(1); 143-215.109;
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