

APPENDIX 38

A BRIEF HISTORY OF THE NORTH CAROLINA AIR QUALITY PROGRAM

Before 1967 the State Board of Health administered air pollution control in North Carolina. Under the State Board of Health, nine local air pollution control programs covering fourteen counties were established. (Three of these programs are still extant. They are the Western North Carolina Regional Air Pollution Control Agency, Forsyth County Environmental Affairs Department, and the Mecklenburg County Department of Environmental Protection.)

In 1967 the General Assembly enacted the laws upon which today's air quality program in North Carolina began. It created the Department of Water and Air Resources out of the old Department of Water Resources, the Board of Water and Air Resources (BWAR) out of the old Board of Water Resources and State Stream Sanitation Committee, and the Air Control Advisory Council. To administer the air program, it created the Division of Air Pollution Control.

The General Assembly declared its intent to confer on the BWAR such authority as necessary to administer a complete program of air conservation and pollution abatement and control and to coordinate efforts of pollution abatement and control with other jurisdictions. It also directed that standards of air purity be defined to protect human health, prevent injury to plant and animal life, prevent damage to public and private property, and to secure for the people of North Carolina the beneficial use of this natural resource (G.S. 143-211).

To carry out its objectives, the General Assembly empowered the BWAR

1. to prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in the State;
2. to determine by means of field sampling and other studies the degree of air contamination and air pollution in the State ;
3. to develop and adopt air quality standards applicable to the State as a whole or to any designated area of the State;
4. to develop and adopt classifications for use in classifying air contaminant sources that cause or contribute to air pollution according to levels and types of emissions

and other characteristics related to air pollution and to require reporting for such class or classes;

5. to develop and adopt emission control standards necessary to prohibit, abate, or control air pollution commensurate with established air quality standards (G.S. 143-215, later G.S. 143-215.107).

The BWAR was also empowered to permit sources subject to an emission control standard for which construction commenced after the effective date of that emission control standard (G.S. 143-215.1(b), later G.S. 143-215.108).

Organized in three sections, Air Monitoring, Engineering, and Local Programs, the Division of Air Pollution Control began with thirteen positions. The Engineering Section was the ancestor of today's Technical Services Section and Permitting Section. The Local Program Section vanished in the late 1970's. Its duties were placed in Planning. By 1971 the Division of Air Pollution Control had changed its name to the Air Quality Division.

In 1970 the BWAR adopted the first air quality rules. They consisted of definitions, ambient air quality standards, and Regulations #1, #2, and #3. Regulation #3 became effective July 1, 1970. (This Regulation later became 15A NCAC 2D .0201, Classification of Air Pollution Sources.) Regulation #1 and #2 became effective July 1, 1971. (Later Regulation #1 became 15A NCAC 2D .0520, Control and Prohibition of Open Burning, and afterwards Section 15A NCAC 2D .1900, Open Burning. Regulation #2 became 15A NCAC 2D .0521, Control of Visible Emissions.)

Ambient air quality standards, which later became Section 15A NCAC 2D .0400, Ambient Air Quality Standards, were adopted for sulfur dioxide, suspended particulate, carbon monoxide, photochemical oxidants, hydrocarbons, and nitrogen dioxide. These standards became effective July 1, 1971. The purpose of these standards was to protect the general population from unhealthy exposure to air pollution.

In 1971 the BWAR adopted its next set of rules. It adopted Regulations #4, #5, and #6 and emissions control standards. These regulations became effective July 1, 1971. (Regulation #4 was later changed to 15A NCAC 2D .0202, Registration of Air Pollution Sources. Regulation #5 was later changed to 15A NCAC 2D .0522, Control and Prohibition of Odorous Emissions. Regulation #6 later became 15A NCAC 2D .0501. The emission control standards later became 15A NCAC 2D .0503 through .0515—these are the particulate rules and .0516 and .0517 for sulfur dioxide.)

The purpose of Regulation #4 was to register all existing sources of particulates, sulfur dioxide, and volatile organic compounds, which were generally called hydrocarbons at that time. Such registration was necessary to obtain a record of these sources because only new sources required permits. Permitting existing sources was a few years away.

The emission control standards established maximum feasible controls for emissions of particulates and sulfur dioxide. Specific particulate emission standards were adopted for fuel burning sources, wood burning indirect heat exchangers, refuse

burning equipment, hot mix asphalt plants, chemical fertilizer manufacturing plants, pulp and paper mills, materials handling in sand, gravel, and crushed stone operations, lightweight aggregate processes, finishing of wood products, portland cement plants, and ferrous jobbing foundries. A miscellaneous particulate standard covered all other sources of particulate. Sulfur dioxide emission standards were adopted for lightweight aggregate processes, fuel burning installations, and sulfuric acid plants. Although some of the wording has changed, these same basic standards are in effect today. (The non-process fugitive dust requirements have been revised. This change is discussed below in more detail.) The objective of these standards was to prevent the ambient air quality standards from being exceeded where the ambient air quality standards were being met. In areas where the ambient air quality standards were already exceeded, their purpose was to bring those areas into compliance.

The purpose of Regulation #5 was to prevent odorous emissions without the use of suitable controls to reduce such emissions. This rule remains essentially the same as when it was originally adopted.

Also in 1971, the BWAR adopted the first edition of the State Implementation Plan (SIP). It was adopted in response to the federal Clean Air Act of 1970. The purpose of the SIP was to describe how the State would attain and maintain the national ambient air quality standards (NAAQS) promulgated by the EPA. To protect public health, the EPA had promulgated in 1971 standards for particulates (total suspended particulates or TSP), sulfur dioxide, carbon monoxide, photochemical oxidants (later called ozone), hydrocarbons (later repealed), and nitrogen dioxide .

In January 1972, the SIP was submitted to the EPA and in 1979 revisions to it were submitted. The SIP contained a general discussion of:

1. each of the eight air quality control regions (Section 107 of the federal Clean Air Act requires States to have air quality control regions. At least in North Carolina, air quality control regions do not serve any practical purpose other than satisfying a requirement of the Clean Air Act.),
2. legal authority,
3. control strategy,
4. compliance schedule,
5. emergency action criteria and procedures,
6. air quality surveillance (ambient monitoring),
7. review of new sources and modifications,
8. emission surveillance,
9. resources,
10. intergovernmental corporation,
11. emissions inventory summaries,
12. air quality data,
13. air pollution control regulations.

The 1979 revisions corrected rule citations resulting from changing the codification system. Also the sections on air quality surveillance, emission surveillance, resources, and intergovernmental cooperation were updated. The 1979 revisions also included a new section on the Mecklenburg County nonattainment area.

In 1973, the BWAR adopted Regulation #8, which later became 15A NCAC 2D .0600, Air Pollutants: Monitoring: Reporting. The purpose of this regulation was to set forth the requirement for monitoring air pollution emissions and filing reports covering their discharge into the outdoor atmosphere. The objective of these requirements is to ensure that sources and associated air pollution control devices are properly operated and maintained, that sources and control devices are operated as permitted, and that compliance with emission control standards and permit conditions is maintained.

As a result of a constitutional amendment limiting the number of State agencies, the executive branch was reorganized in 1973. The Department of Water and Air Resources and several other agencies were submerged into the Department of Conservation to form the Department of Natural and Economic Resources (NER). The Department of Waters and Air Resources became the Office of Water and Air Resources. The BWAR became the Environmental Management Commission (EMC). (Although they remained as independent after the reorganization as they were before, the EMC and Air Quality Council miraculously ceased to be considered independent agencies.) About a year after the reorganization, the Office of Water and Air Resources became the Division of Environmental Management (DEM), and the Division of Air Quality became the Air Quality Section.

Also in 1973, the General Assembly reorganized the General Statutes by placing the air pollution control statutes in Article 21B. Furthermore, the General Assembly granted the EMC additional authorities. Included among these new grants were the authority to regulate and permit complex sources (G.S. 143-215.109) and to permit existing sources of air pollution (G.S. 143-215.108).

As a result of its new authority to regulate complex sources, the EMC adopted in 1973 Regulation #9 (later changed to Sections 15A NCAC 2D .0800, Transportation Facilities, and 2Q .0600, Transportation Facility Procedures). The purpose of this rule was to regulate the construction and modifications of transportation facilities, such as large parking lots and airports, to prevent these complex sources from causing or contributing to a violation of the ambient air quality standards for carbon monoxide.

In 1974 the EMC adopted Regulation #10, which later became 15A NCAC 2D .0523, Control of Conical Incinerators. This rule established operational standards for conical incinerators to limit the emissions of particulates.

In 1975 the General Assembly changed the regulatory codification system. As a result, all the existing air quality rules were recodified effective February 1, 1976. They were codified into Title 15 (later changed to 15A when the health services divisions were placed in the Department of Natural Resources and Community Development) of the North Carolina Administrative Code, Subchapter 2D. Later the air permitting

rules were placed in Section 15 NCAC 2H .0600, which was later recodified as Subchapter 15A NCAC 2Q.

Several new rules were adopted in 1976. These were the permitting rules (15A NCAC 2H .0600), new source performance standards (15A NCAC 2D .0524), and national emission standards for hazardous air pollutants (15A NCAC 2D .0525, later recodified as 15A NCAC 2D .1110).

The permitting rules set forth the permitting procedures and requirements. They identified who needed a permit and what types of sources were exempted from permitting.

With its new source performance standards (NSPS) rule, the EMC adopted the federal new source performance standards by reference. The purpose of these standards is to limit emissions of air pollutants from new sources that contribute significantly to air pollution. These standards primarily control the emissions of criteria pollutants. However, a few control the emissions of other pollutants, such as fluorides from primary aluminum reduction plants and total reduced sulfides from kraft pulp mills. Unlike most air quality standards, which are part of the state implementation plan, new source performance standards are not part of the state implementation plan. New source performance standards are adopted and delegated under Section 111 of the federal Clean Air Act instead of Section 110 (Section 110 contains the state implementation plan requirements and approval procedures).

Like new source performance standards, the EMC adopted national emission standards for hazardous air pollutants by reference. These standards limit emissions of radionuclides, radon, mercury, beryllium, arsenic, vinyl chloride, benzene, and asbestos from selected sources. The federal standards are in 40 CFR Part 61. (The Clean Air Act Amendments of 1990 changed the way the EPA regulates emissions of hazardous air pollutants and develops national emission standards for hazardous air pollutants. The national emission standards for hazardous air pollutants adopted pursuant to the 1990 amendments are codified in 40 CFR Part 63 and are commonly called maximum achievement control technology.) Also like new source performance standards, national emission standards for hazardous air pollutants are not part of the state implementation plan. Thus, the national emission standards for hazardous air pollutants were adopted and delegated under Section 112 of the federal Clean Air Act.

In 1977 the EMC made a significant change in its sulfur dioxide emissions standard for combustion sources. When its predecessor, the BWAR, adopted this standard in 1971, it required existing sources to comply with a 2.3 pound per million Btu standard. New sources had to comply with a 1.6 pound per million Btu standard. Existing sources were to meet the 1.6 pound per million Btu standard by July 1, 1980. However, because the ambient monitoring network showed no problem with sulfur dioxide and because a shortage of low sulfur fuel existed, the EMC decided to relax the sulfur dioxide standard.

Before the EPA would approve the relaxation to the state implementation plan, the State had to demonstrate that the relaxation would not lead to a violation of the ambient air quality standard for sulfur dioxide. To make this demonstration, the State, through a contractor, modeled the major combustion sources of sulfur dioxide. This modeling demonstrated that all but a few dozen facilities could comply with the ambient air quality standard. Those sources that failed to show compliance had to do further analyses. Some were able to show compliance through better modeling. Others had to restrict operation or comply with a lower sulfur dioxide emission standard. These facilities are listed in Appendix 6.

Also in 1977, the Department of Natural and Economic Resources underwent a reorganization. Several community development divisions and programs were transferred into the department and it was renamed the Department of Natural Resources and Community Development.

In 1978 the DEM deorganized, and the Air Quality Section ceased to exist. The DEM changed from a programmatic structure to a functional structure. The DEM maintained this structure until 1981 when it reorganized and the Air Quality Section once again existed.

The 1977 Clean Air Act Amendments contained the concept of nonattainment area and set forth requirements to bring areas in violation of the national ambient air quality standards into compliance. As a result of these amendments, the EPA declared Mecklenburg County nonattainment for carbon monoxide and ozone. (15A NCAC 2 D .0518 had proven inadequate in protecting the ozone standard.)

To bring Mecklenburg County into compliance with the national air quality standards for carbon monoxide and ozone, the EMC amended the state implementation plan in 1979. Part of the control strategy included various transportation control measures, primarily intersection improvements. It also adopted reasonably available control technology (RACT) standards for volatile organic compound (VOC) in two phases. Part of the reasonably available control technology rules were adopted in 1979 and part in 1980. (Reasonably available control technology rules were adopted in phases because the EPA published the control technology guidelines [CTG] in phases.) These rules applied to major sources of volatile organic compounds in Mecklenburg County. Also in 1979, the EMC followed the EPA and changed the hourly ambient air quality standard for ozone from 0.08 parts per million to 0.12 parts per million.

Another important rule change made by the EMC in 1979 was adopting an ambient air quality standard for lead. The EMC also adopted a state implementation plan for lead. Basically the lead state implementation plan showed that no additional control measures were needed to protect the lead standard.

In 1979 the EMC adopted rules to limit total reduced sulfur from kraft pulp mills. Because this rule regulated a non-criteria pollutant, it was not included in the state implementation plan. It was, therefore, approved by the EPA under Section 111 of the federal Clean Air Act.

In 1981 the EMC adopted prevention of significant deterioration (PSD) and major new source review rules. (These rules were a result of the 1977 amendments to the federal Clean Air Act.) The purpose of the prevention of significant deterioration rule was:

1. to protect public health and welfare from actual or potential adverse effects from air pollution,
2. to preserve, protect, and enhance air quality in national parks, wilderness areas, etc.,
3. to ensure that economic growth would occur in a manner consistent with the preservation of existing clean air resources,
4. to assure that emissions from sources in one State would not interfere with applicable implementation plans to prevent significant deterioration of air quality in another State, and
5. to assure that any decision to permit increased air pollution in an area is made only after careful evaluation of all the consequences of such decision and after adequate procedural opportunities for informed public participation in the decision making process.

The principal object of the prevention of significant deterioration rule was to prevent air quality in attainment areas from deteriorating beyond that allowed by the federal Clean Air Act. One of the key features of the prevention of significant deterioration rule was to require major new facilities and major modifications to apply best available control technology (BACT). Best available control technology is defined as an emission limitation based on the maximum degree of reduction of the pollutant emitted from or which results from the facility, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for the facility. Facilities are also required to provide an air quality analysis that shows that its emissions will not cause the ambient air quality standard or the allowable increments to be exceeded.

The two major new source review rules applied to nonattainment areas and areas of violation of an ambient standard. One rule (15A NCAC 2D .0531) applied in nonattainment areas, and the other (15A NCAC 2D .0532) in attainment areas. The nonattainment new source review rule required major new sources and major modifications to apply lowest achievable emissions rate (LAER) control technology. Lowest achievable emission rate is the most stringent of (1) the most stringent emission limitation that is contained in the implementation plan of any State for such class or category of source, unless the facility shows that such limitation is not achievable or (2) the most stringent emission limitation that is achieved in practice by such class or category of source. The source must offset its emissions in the nonattainment area by reducing emissions from other sources of that pollutant that exceeds its new emissions.

Also in 1981, the EMC adopted a rule to regulate emissions of fluorides from primary aluminum reduction operations. Like the total reduce sulfide rule, it regulated

a non-criteria pollutant and was, therefore, approved under Section 111 of the federal Clean Air Act.

Another important rule change made by the EMC in 1981 was the adoption of emissions trading procedures (the “bubble” concept). These procedures allow a facility to acquire a source specific allowable emission standard above that specified in the rules by accepting an allowable emission standard for another sources below that specified in the rules and showing that this change in allowable emission rate does not adversely affect the ambient air quality standard.

Furthermore, in 1981, the EMC adopted an inspection/maintenance program for Mecklenburg County. This program was part of the nonattainment area plan to bring Mecklenburg County into compliance with the ambient air quality standard for carbon monoxide and ozone.

In 1982 the EMC adopted its stack height rule. This rule does not limit physical stack height. It limits the stack height of some stacks for the purpose of air dispersion modeling. The purpose of this requirement is to discourage the use of tall stacks as a means of complying with the ambient air quality standard.

In 1983 the EMC made significant changes in the allowable particulate emission standard for electric utility boiler units. Each unit was given a specific allowable emission standard and an allowable annual tonnage emission rate. (Annual average opacity standards replaced the annual tonnage standard in 1987.) This rule resulted from a petition by the electric utilities for a variance from the particulate emission control standard. The purpose of the annual tonnage emission rate (and later the annual average opacity standard) was to ensure better operation and maintenance.

Along with the particulate emission standards for the electric utility boiler units, the EMC adopted a general malfunction, startup and shutdown rule. This rule satisfied two objectives. It brought the State in line with the EPA’s policy on malfunctions. It made clear that emissions in excess of an emission control standard, including times of malfunctions, is a violation of that standard. However, the violation during malfunction could be excused, and the rule contained a procedure for excusing the violation. To prevent, detect, and correct malfunctions or equipment failures, each electric utility boiler unit was required to have a malfunction abatement plan. The Director of the Division of Environmental Management (later the Division of Air Quality) could require other sources to have a malfunction abatement plan. The rule also required excess that emissions during startup and shutdown be minimized. Avoidable excess emissions during startup and shutdown would be considered a violation. The startup and shutdown provisions of this rule failed to fully satisfy the EPA’s policy for startup and shutdown; therefore, the EPA disapproved this part of the rule.

In 1985 the EMC adopted the first part of phase 1 of its visibility program. It adopted the second part of phase 1 in 1987. Basically, the plan declared that no identifiable sources of visibility impairment to Class I areas existed. It also declared that the then current rules were adequate for protection of visibility concerns—excluding

regional haze (phase 2), which would be addressed at a later date. As part of its visibility strategy, the EMC amended the prevention of significant deterioration (PSD) rule to require major new sources and major modifications to address visibility and to allow federal land managers to comment on visibility issues.

Also in 1985 the EMC adopted its general mercury emission standard. Although it was written more general, the immediate problem that it was intended to address was mercury emissions from battery manufacturing.

In 1988 the EMC adopted the PM10 (particulate matter with an aerodynamic diameter of 10 microns or less) ambient air quality standard. It showed that its particulate emission control standards, which limited the emissions of total suspended particulates (TSP), were adequate to protect the PM10 ambient air quality standard.

Also, 1988 saw the initial adoption of fees for air quality permits. The amount of fees collected was restricted by statute. The General Statutes set the maximum application fee and annual administration fee that could be charged. They also encouraged the EMC to provide a discount for facilities in full compliance with applicable requirements.

In 1989 the Department of Natural and Community Development was reorganized. The health services divisions were placed in the reorganized department, and the community development divisions were removed. The department name was changed to the Department of Environment, Health, and Natural Resources.

The next major regulatory change came in 1990 when the EMC adopted the air toxic rules. These rules were adopted in response to a governor's executive order and to a law enacted by the General Assembly directing the EMC to adopt ambient air quality standards for toxic air pollutants. The acceptable ambient levels that the EMC adopted were set to protect public health and were based on the recommendations of a special air toxics panel established by the North Carolina Academy of Science. Along with the acceptable ambient levels, the EMC adopted a new permitting rule to permit sources of toxic air pollutants.

When the EMC adopted the air toxic rules, it exempted gasoline service stations. Instead of being covered under the air toxic rules, gasoline service stations had to comply with Stage I vapor controls (collection of vapors when gasoline tank trucks load gasoline into storage tanks at the service station).

The following year (1991) the EMC adopted a new set of incinerator rules. These rules were adopted in response to a governor's executive order and a law enacted by the General Assembly directing the EMC to adopt emission standards for incinerators. In addition to continuing to control emissions of criteria pollutants, the new rules also specifically controlled emissions of toxic air pollutants. They controlled emissions of organic toxic air pollutants primarily by setting minimum retention time and temperature for incinerators and by establishing ambient air quality standards for metals.

In 1991 the EPA declared Davidson, Forsyth, Guilford, Durham, Wake, and Gaston Counties and part of Davie and Granville Counties as nonattainment for ozone.

It also declared Forsyth, Wake, and Durham Counties nonattainment for carbon monoxide.

As a result of the EPA's nonattainment declarations, the EMC extended the inspection/maintenance program (automobile tailpipe emissions testing) into Durham, Gaston, Davidson, Cabarrus, Randolph, Orange, and Union Counties. (The inspection/maintenance program was later removed from Davidson and Randolph Counties in 1993.).

In 1992 the EMC adopted emission standards for ethylene oxide from the production and packaging of medical devices. This rule defined maximum achievable control technology for this process. Sources covered under this rule were exempted from the air toxic rules. This rule allowed the construction of new, and the expansion of existing, medical device production and packaging facilities that could not comply with the air toxic rules for ethylene oxide.

As part of its nonattainment strategy for carbon monoxide, the EMC adopted in 1992 the requirement that only oxygenated gasoline be sold in the Greensboro/Winston Salem/High Point, Charlotte/Gastonia/Rock Hill, and Raleigh/Durham Metropolitan Statistical Areas between November 1 and the end of February. After all the carbon monoxide nonattainment areas achieved attainment, the EMC revised the oxygenated gasoline rules to remove the mandatory requirements for oxygenated gasoline. These rules became part of the contingency plan for carbon monoxide to be implemented in the event of a future violation of the carbon monoxide standard.

Also in 1992 the EMC amended the air toxic rules to exempt bulk gasoline plants and bulk gasoline terminals. In exchange for the exemption, bulk gasoline plants and terminals had to apply maximum feasible control technology. The reasonable available control technology rules for these sources were revised to convert them to maximum feasible control technology.

To satisfy one of the several new requirements of the federal Clean Air Act Amendments of 1990, the EMC adopted in 1993 the first part of the state implementation plan describing the small business assistance program. The following year it adopted the second part.

Also in 1993, the EMC adopted a maintenance plan for the Raleigh-Durham and the Greensboro-Winston Salem ozone nonattainment areas. A request to redesignate these two areas as attainment was submitted to EPA. The EPA approved the redesignation of the Greensboro-Winston Salem area in 1993 and the Raleigh-Durham area in 1994.

1993 also saw a major revision of the air toxic rules. The air toxic rules were amended to integrate them with the new federal maximum achievable control technology rules. Except for modifications, a facility subject to the maximum achievable control technology rules would not come under the State air toxic rules until it had to comply with the last maximum achievable control technology rule known to apply to it. Prior to these amendments, a modification caused a facility-wide evaluation for all

toxic air pollutants. After these amendments, only modifications that caused a net increase in toxic air pollutants resulted in an evaluation. Even then only those toxic air pollutants for which there was a net increase were evaluated.

In 1994 the EMC completely rewrote its permitting rules. The new rules incorporated the permitting requirements of Title IV (acid deposition control) and Title V (permits) of the federal Clean Air Act. The EMC also adopted rules for permitting facilities not subject to the permitting requirements of Title V and transportation facilities (complex sources such as parking lots and airports). It clarified and greatly expanded the types of activities exempted from permitting. A new permit fee schedule was adopted for facilities required to be permitted under Title V. The Title V permitting and acid rain rules were adopted in response to the 1990 Clean Air Act Amendments.

In 1994 the EMC adopted Stage II control piping requirement for gasoline service stations in ozone maintenance and nonattainment areas. (Stage II controls capture the vapors that result from filling a vehicle's fuel tank. The captured vapors are returned to the storage tank at gasoline service stations.) The EMC only required the piping for Stage II controls. It did not require the Stage II nozzles. Stage II nozzles could be required if a future violation of the ozone standard was measured.

Also in 1994, the EMC adopted maintenance plans for the Raleigh-Durham, Winston Salem, and Charlotte carbon monoxide nonattainment areas and requested that these areas be redesignated attainment. The EPA redesignated Winston Salem to attainment in 1994 and Charlotte and Raleigh-Durham to attainment in 1995.

In 1995 the EMC adopted transportation conformity (15A NCAC 2D .1500) and general conformity (15A NCAC 2D .1600) rules. Transportation conformity rules apply to road projects of the North Carolina Department of Transportation and municipalities. General conformity rules apply to federal agencies and prohibit federal agency activities that do not conform with nonattainment or maintenance plans. The attainment plans, and later maintenance plans, for carbon monoxide and ozone account for a certain amount of growth in emissions. The purpose of the conformity rules were to assure that transportation projects do not cause the projected emissions growth to be exceeded.

Also in 1995, the EMC adopted its exclusionary rules (15A NCAC 2Q .0800) for gasoline service stations and dispensing facilities; coating, solvent cleaning, and graphic arts operations; drycleaning facilities; grain elevators; cotton gins; and emergency generators. A facility that qualified for one of these rules could avoid the Title V permitting process without permit conditions restricting production or operation. Thus, qualifying facilities were defined as small facilities for permitting purposes by rule.

Furthermore, in 1995 the EMC adopted a maintenance plan for the Charlotte/Gastonia ozone nonattainment area along with a request to redesignate the area to attainment. Later that year the EPA redesignated it to attainment for ozone.

In 1996 the EMC revised its open burning rules. It repealed the old rule (15A NCAC 2D .0520) and replaced it with a new section on open burning (15A NCAC 2D .1900). The new rules included criteria for air curtain burners.

Also in 1996 the EMC adopted a specific odor control rule for feed ingredient manufacturing plants, also called rendering plants (15A NCAC 2D .0539).

Furthermore, in 1996 the EMC adopted detailed requirements for implementing Section 112(j) of the federal Clean Air Act. These rules (15A NCAC 2D .1109 and 2Q .0526) set forth the requirements and procedures for applying maximum achievable control technology to sources that the EPA had scheduled for maximum achievable control technology standards within 18 months after the scheduled promulgation date.

When the EMC adopted these rules, it also adopted the federal maximum achievable control technology rules by reference (15A NCAC 2D .1111). This adoption enabled the State to be the primary agency for implementing and enforcing maximum achievable control technology rules.

In 1996 the Division of Environmental Management was reorganized. The Air Quality Section became the Division of Air Quality. The following year the Department of Environment, Health and Natural Resources was reorganized. The health services divisions were removed from the department, and the name was changed to the Department of Environment and Natural Resources.