15A NCAC 02D .1806 CONTROL AND PROHIBITION OF ODOROUS EMISSIONS

(a) Purpose. The purpose of this Rule is to provide for the control and prohibition of objectionable odorous emissions.

(b) Definitions. For the purpose of this Rule the following definitions shall apply:

(1) "Commercial purposes" means activities that require a state or local business license to operate.

(2) "Temporary activities or operations" means activities or operations that are less than 30 days in duration during the course of a calendar year and do not require an air quality permit.

(c) Applicability. With the exceptions in Paragraph (d) of this Rule, this Rule shall apply to all operations that may produce odorous emissions that can cause or contribute to objectionable odors beyond the facility's boundaries.

(d) Exemptions. The requirements of this Rule do not apply to:

(1) processes at kraft pulp mills identified in Rule .0528 of this Section, and covered under Rule .0524 or .0528 of this Section;

(2) processes at facilities that produce feed-grade animal proteins or feed-grade animal fats and oils identified in and covered under Rule .0539;

(3) motor vehicles and transportation facilities;

(4) all on-farm animal and agricultural operations, including dry litter operations and operations covered under Rule .1804 of this Section;

(5) municipal wastewater treatment plants and municipal wastewater handling systems;

(6) restaurants and food preparation facilities that prepare and serve food on site;

(7) single family dwellings not used for commercial purposes;

(8) materials odorized for safety purposes;

(9) painting operations that do not require a business license; or

(10) all temporary activities or operations.

(e) Control Requirements. The owner or operator of a facility subject to this Rule shall not operate the facility without implementing management practices or installing and operating odor control equipment sufficient to prevent odorous emissions from the facility from causing or contributing to objectionable odors beyond the facility's boundary.

(f) Maximum feasible controls. If the Director determines that a source or facility subject to this Rule is emitting an objectionable odor by the procedures described in Paragraph (g) of this Rule, the Director shall require the owner or operator to implement maximum feasible controls for the control of odorous emissions. (Maximum feasible controls shall be determined according to the procedures in Rule .1807 of this Section.) The owner or operator shall:

(1) within 180 days of receipt of written notification from the Director of the requirement to implement maximum feasible controls, complete the determination process outlined in 15A NCAC 2D .1807 and submit the completed maximum feasible control determination process along with a permit application for maximum feasible controls and a compliance schedule to the Division of Air Quality; the compliance schedule shall contain the following increments of progress:

(A) a date by which contracts for the odorous emission control systems and equipment shall be awarded or orders shall be issued for purchase of component parts;

(B) a date by which on-site construction or installation of the odorous emission control systems and equipment shall begin;

(C) a date by which on-site construction or installation of the odorous emission control systems and equipment shall be completed; and

(D) a date by which final compliance shall be achieved.

(2) within 18 months after receiving written notification from the Director of the requirement to implement maximum feasible controls, have installed and begun operating maximum feasible controls.

The owner or operator shall certify to the Director within five days after the deadline for each increment of progress in this Paragraph whether the required increment of progress has been met.

(g) Determination of the existence of an objectionable odor. A source or facility is causing or contributing to an objectionable odor when:

(1) A member of the Division staff determines by field investigation that an objectionable odor is present by taking into account nature, intensity, pervasiveness, duration, and source of the odor and other pertinent factors;

(2) The source or facility emits known odor causing compounds such as ammonia, total volatile organics, hydrogen sulfide, or other sulfur compounds at levels that cause objectionable odors beyond the property line of that source or facility; or

(3) The Division receives epidemiological studies associating health problems with odors from the source or facility or evidence of documented health problems associated with odors from the source or facility provided by the State Health Director.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); Eff. April 1, 2001.*