



James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
A. Preston Howard, Jr., P.E., Director

Air Quality Section
April 21, 1995

MEMORANDUM

TO: Regional Air Quality Supervisors
Assistant Chiefs
Permit Engineers
Local Programs
Small Business Office

FROM: Alan Klimek, Chief
Air Quality Section

SUBJECT: Lease Arrangement Modeling Procedures for 15A NCAC 2D.1100
Demonstrations

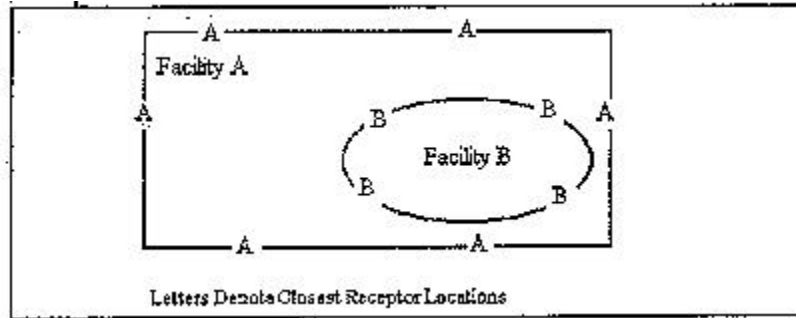
Certain situations arise during property lease arrangements resulting in facility complexes in which one facility is located within another facility's property boundaries (as in a "doughnut"). If either facility is required to perform toxics modeling pursuant to 2D.1104, that "*facility shall not emit any listed toxic air pollutant in such quantities that may cause or contribute beyond the premises (contiguous property boundary) to any significant ambient air concentration that may adversely affect human health.*" The standard modeling approach is to locate receptors are and beyond the property line. For the the larger facility, this approach would require that receptors be placed along the inner facility's property boundary (the hole in the doughnut). If the larger facility is the landowner, the standard modeling approach may result in the larger facility having to comply with the AALs on their own property.

This memorandum recommends a revised modeling procedure to be employed when demonstrating compliance with the toxic air pollutant guidelines defined in 15A NCAC 2D.1104 and represents a consensus opinion of the Air Toxic Workgroup. This recommendation is specifically applicable to industrial facilities that are separate corporate entities contained within another facility's property boundaries and should not be construed to be an alteration of definition of "*facility*".

The basic premise of this revised approach is that the property owner is permitted to use all of their contiguous property in an air toxics demonstration to locate the modeling receptors, while a facility on leased property continues to use only the boundaries of their leased property to locate the modeling receptors.

Example

Facility A is the owner/operator of a facility on their own land. When Facility A is required to perform toxics modeling pursuant to 15A NCAC 2H.0610©(1), the receptor locations for the modeling demonstration are placed along and outside their property line. Facility B leases land from Facility A which is within the contiguous boundary of Facility A. When Facility B is required to perform toxics modeling pursuant to 15 NCAC 2H.0610©(1), the receptor locations for the modeling demonstration are placed along and outside the boundary of their lease.



Neither facility considers the other facility's emissions in their models. However, the regulatory authority to evaluate the combined impact of emissions from both facilities under 2D.1107, Multiple Facilities, is available in order to ensure that the combined impacts do not adversely affect human health.

- cc: Thomas Allen
- Sammy Amerson
- Laura Butler
- Ella Bowman
- Lori Cherry
- Lee Daniel
- Russell Hageman
- Jim Roller