



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
- AIR QUALITY -

Transportation Facility Permitting Guidance

January 5, 2009

Scope

This guidance document is for owners, developers, consultants, or others constructing a facility that may be subject to the Mecklenburg County Air Pollution Control Ordinance (MCAPCO) Sections 1.5600 – “Transportation Facility Procedures” and 2.0800 – “Transportation Facilities”. Both regulations are North Carolina state rules adopted by reference and enforced by Mecklenburg County Air Quality (MCAQ). Transportation facilities include parking lots, parking decks and airport runways. **This document is intended to assist applicants; it is not a substitute for adopted regulations.** The Mecklenburg County Air Pollution Control Ordinance (MCAPCO) is referenced throughout the document.

How to find out if a parking lot, parking deck or combination thereof will need a transportation facility permit (TFP)

In order to assist you, MCAQ will provide an Applicability Determination upon written request from the property owner. Based on the following information, MCAQ will determine if a TFP is required:

- Number of parking spaces, new and existing (permitted or unpermitted)
- Square footage of parking area
- Location and ownership of directly adjacent lots or decks, and the number of spaces in each
- Proximity of proposed parking to existing parking lots or decks in meters

MCAQ will send a letter that states whether a permit is required.

Reference MCAPCO Regulation 2.0805 – “Parking Facilities” for further applicability questions.

I need a transportation facility permit. What do I do next?

1) Intersection Analysis

If the transportation facility requires a permit, the applicant must conduct traffic studies of nearby impacted intersections.

Submit a letter to MCAQ proposing the intersections to be analyzed and include the following:

- Site map of proposed facility
- Area map with nearby signalized intersections marked
- Distances from the facility to each intersection

A meeting with MCAQ to discuss which intersections are impacted by the transportation facility can be arranged.

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<http://airquality.charmeck.org>

MCAQ will send an approval or correction letter in response to the proposal. Intersections that are impacted by the site must be analyzed for Level of Service (LOS) per MCAPCO Regulation 1.5603 – “Applications” Paragraph (e). A copy of the LOS and an approval letter from the Charlotte Department of Transportation (CDOT) must be submitted to MCAQ as part of the permit application package. CDOT must approve the LOS analysis in writing before MCAQ can complete the permit application review.

2) Modeling

A modeling demonstration is required if any intersections currently operate at or are projected to operate at a level of service of E or F. Refer to MCAPCO Regulation 2.0806 – “Ambient Monitoring and Modeling Analysis”.

MCAQ recommends submitting a modeling protocol for approval before beginning a modeling demonstration. The protocol should include a description of the following:

- Model(s) to be used
- Lots and/or decks to be modeled
- Intersections to be modeled
- Build out year
- Meteorological assumptions used
- Receptor network description

For further details, refer to the “Guidelines for Evaluating the Air Quality Impacts of Transportation Facilities” available from the North Carolina Department of Environment and Natural Resources Division of Air Quality. See References section for directions to download modeling software and user’s guides.

3) Permit Application

To apply for a permit, send in a completed application.

A complete application must include the following:

- Application forms T-1 and T-2 available at <http://airquality.charmeck.org>
- Application fee (Refer to MCAPCO Regulation 1.5231 – “Air Quality Fees”)
- Level of Service Analysis for all “impacted” intersections
- Transportation study (LOS) approval letter from CDOT
- Any site maps or area maps needed for the technical review
- Modeling results, if required
- Electronic modeling files, if modeling required
- Alternate public notice fee if applicable (Refer to MCAPCO Regulation 1.5604 – “Public Participation”)

Schedule

Processing time

Per MCAPCO Regulation 1.5607 – “Application Processing Schedule” Subparagraph (a) (3), the permit application processing time is no more than 90 days from date of complete application to issue a permit to construct. The 90-day clock starts upon receipt of an application deemed complete by MCAQ.

Application Review

The 90 day period includes time to complete a technical review of the application including required modeling, draft the permit, and allow a 30-day public comment period.

Start of 30 day public comment period

After the review is complete and the permit has been drafted, the 30-day public comment period will be opened at an Air Quality Commission (AQC) meeting. MCAPCO Regulation – 1.5604 “Public Participation” Subparagraph (b) (1) states that:

“...the Director shall advertise proposed permit application approvals or disapprovals by placing these actions on the Commission’s agenda. Public comment on the proposed action(s) will be received during the meeting and for 30 days thereafter;”

AQC meetings are held on the fourth Monday of each month.

Applicants desiring to initiate the public comment period sooner (i.e., not waiting until the next monthly AQC meeting) may request, at their own expense, alternate public notice (MCAPCO Regulation 1.5604 (b) (2)). Public comment on the proposed action(s) will be received for 30 days after the date the notice is published in a major local paper, including during any Commission meeting held during said 30 day period. The applicant shall provide certified proof of advertisement and pay \$ 1,000 fee.

Permit issuance

Public comments must be reviewed before permit issuance. If no public comments were received by the end of the 30-day public comment period, the permit can be issued.

Refer to MCAPCO Regulation 1.5607 – “Application Processing Schedule” to review the processing schedule further.

References

Air Quality Regulations – Download MCAPCO Sections 1.5600 – “Transportation Facility Procedures” and 2.0800 – “Transportation Facilities” from <http://airquality.charmeck.org> Click on [Regulations](#) under the Permitting & Regulations Section.

Permit Application Forms – Download Forms T-1 and T-2 from <http://airquality.charmeck.org> Click on [Forms](#) under the Permitting & Regulations Section.

Models – Download from <http://daq.state.nc.us/permits/mets/tf.shtml>

Modeling User's Guides – Download from http://www.epa.gov/scram001/guidance_permit.htm

“Guidelines for Evaluating the Air Quality Impacts of Transportation Facilities” –
Download from http://daq.state.nc.us/permits/mets/TF_Guide.pdf

Frequently Asked Questions

What activities can take place on the site before obtaining a permit?

Any activities that are not considered “construction,” as defined in MCAPCO Regulation 1.5602 – “Definitions”:

- (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 associated with the transportation facility, e.g. curbing, footings, conduit, paving, etc.

How much is the application fee?

MCAPCO Regulation 1.5231 – “Air Quality Fees” Paragraph (b) states the permit processing fee for a transportation facility is \$1500 as of the December 4, 2007, version of MCAPCO.

MCAPCO Regulation 1.5604 – “Public Participation” At the applicant’s request and expense, an alternate public notice can be published in a major local paper. The applicant shall provide certified proof of the advertisement and pay a \$1,000 fee.

When will my permit expire?

The expiration date is specified in the “Specific Conditions and Limitations” section of the permit. The transportation facility permit must expire no later than five (5) years from the date of permit issuance. See MCAPCO Regulation 1.5605 – “Final Action on Permit Applications” for further details.

How do you define directly adjacent lots or decks?

“Guidelines for Evaluating the Air Quality Impacts of Transportation Facilities” Section 1.1 (b) (2) states: “Transportation facilities shall be considered to be directly adjacent if they are within 100 meters of each other in a suburban or rural area or 50 meters of each other in an urban area and if there are no existing physical barriers, such as, buildings or terrain.”