

SECTION .1800 - CONTROL OF ODORS

15A NCAC 02D .1801 DEFINITIONS

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

- (1) "Animal operation" means animal operation as defined in G.S. 143-215.10B.
- (2) "Child care center" means child care centers as defined in G.S. 110-86 and licensed pursuant to G.S. 110, Article 7.
- (3) "Construction" means any physical change, including fabrication, erection, installation, replacement, demolition, excavation, or other modification, at any contiguous area in common control.
- (4) "Control technology" means economically feasible control devices installed to reduce objectionable odors from animal operations.
- (5) "Existing animal operation" means an animal operation that is in operation or commences construction on or before February 28, 1999.
- (6) "Historic properties" means historic properties acquired by the State pursuant to G.S. 121-9 or listed in the North Carolina Register of Historic Places pursuant to G.S. 121-4.1.
- (7) "Modified animal operation" means an animal operation that commences construction after February 28, 1999, to increase the steady state live weight that can be housed at that animal operation. Modified animal operation does not include renovating existing barns, relocating barns, or replacing existing lagoons or barns if the new barn or lagoon is no closer to the nearest property and if the new barn or lagoon does not increase the steady state live weight that can be housed at that animal operation.
- (8) "New animal operation" means an animal operation that commences construction after February 28, 1999.
- (9) "Objectionable odor" means any odor present in the ambient air that by itself, or in combination with other odors, is or may be harmful or injurious to human health or welfare, or may unreasonably interfere with the comfortable use and enjoyment of life or property. Odors are harmful or injurious to human health if they tend to lessen human food and water intake, interfere with sleep, upset appetite, produce irritation of the upper respiratory tract, cause symptoms of nausea, or if their chemical or physical nature is, or may be, detrimental or dangerous to human health.
- (10) "Occupied residence" means occupied residence as defined in G.S. 106-802.
- (11) "State Parks" means the State Parks System as defined in G.S. 143B-135.44.
- (12) "Technologically feasible" means that an odor control device or a proposed solution to an odor problem has previously been demonstrated to accomplish its intended objective, and is generally accepted within the technical community. It is possible for technologically feasible solutions to have demonstrated their suitability on similar, but not identical, sources for which they are proposed to control.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(11);
Temporary Adoption Eff. April 27, 1999; March 1, 1999;
Eff. July 1, 2000;
Readopted Eff. September 1, 2019.*