

Agenda Item: 21-35 Request for Approval to Proceed to Public Hearing on the Amendments to the Title V Rules, 15A NCAC 02Q .0103 and .0500 and accompanying Regulatory Impact Analysis (553)

Explanation:

The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider proposed rule amendments to 15A NCAC 02Q .0103 and .0500 and accompanying regulatory impact analysis (RIA).

On August 31, 2001, the United States Environmental Protection Agency (EPA) granted the North Carolina Division of Air Quality (DAQ) full approval of its Title V operating permit program pursuant the federal implementing regulations in 40 CFR Part 70 (66 FR 45941; effective October 1, 2001).

The EPA conducted the first three Title V program reviews for North Carolina in 2005, 2010, and 2014. In February 2021 as part of the fourth program review, the EPA provided comments on North Carolina's Title V rules under 15A NCAC 02Q .0500. The comments received from the EPA include typographical and reference corrections, suggestions for language clarity and consistency with 40 CFR Part 70, and comments relating to procedural aspects of the rules, such as those pertaining to permit processing timeframes and final actions, public participation, and submission of documents to the EPA. Additionally, while reviewing EPA's comments, DAQ identified and is proposing additional changes to the rules, beyond the specific comments received, for improved clarity and consistency.

DAQ provided EPA with a draft of the proposed rule revisions for preliminary review and received feedback regarding the changes with respect to the ongoing Title V program review.

The Office of State Budget and Management (OSBM) has determined the amendments have little to no impact on state or local governments and no substantial economic impact and approved the RIA on October 6, 2021.

Recommendation:

The Director recommends that the EMC authorize a public hearing on the proposed rule amendments to 15A NCAC 02Q .0103 and .0500 and accompanying regulatory impact analysis, and for the Chairman to appoint a member(s) of the EMC to serve as hearing officer(s).