

Agenda Item: 14-38 Hearing Officer's Report on Amendment to Revise Permit Term to Reflect S.L. 2013-413 (522)

Explanation:

A public hearing was held in Raleigh, NC on September 3, 2014, to take public comments on the amendment to the Final Action on Permit Applications rule. Mr. Charlie Carter, member of the Environmental Management Commission (EMC), was appointed and acted as the hearing officer for this hearing.

In response to statutory revisions in North Carolina Session Law 2013-143, Part V, Section 29, the Environmental Management Commission proposed one change to its permitting rule 15A NCAC 02Q .0308, Final Action on Permit Applications, to align the rule with the statute. The rule establishes the term or time period for which the permit is in effect before it expires and must be renewed. The session law specified in G.S. 143-215.108 that non-Title V permits "shall be issued for a term of eight years." The existing rule requires that a Title V permit and a non-Title V permit be issued for a period of five years. The revised rule will change the time period only for a non-Title V permit to eight years, as Federal rules and State General Statutes dictate a Title V permit period of five years.

The United States Environmental Protection Agency (EPA) provided the only comment on the proposed rule amendment. EPA reviewed the rule and did not recommend any changes. No changes were made to the proposed rule as presented in Chapter IV of this hearing record.

Recommendation:

The Hearing Officer recommends that the proposed amendments and repeals as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.