

**Agenda Item:** 15-41 **Request for Approval of S.L. 2013-413 (H74) Periodic Review of Rules Report for 15A NCAC Subchapters 02D and 02Q for Submission to Rules Review Commission**

**Explanation:**

At the March 12, 2015 EMC meeting, the Division of Air Quality (DAQ) received approval to proceed to public comment with the review of the air quality rules in 15A NCAC 02D, Air Pollution Control Requirements, and 02Q, Air Quality Permit Procedures. The rules review follows the procedure mandated by S.L. 2013-413 (formerly HB74) incorporated into the Administrative Procedures Act. The review covers all existing 353 rules in the air quality program: 15A NCAC 02D (263 rules) and 02Q (90 rules).

In accordance with General Statute 150B-21.3A, the EMC made an initial determination of “necessary with substantive public interest” for 232 rules, “necessary without substantive public interest” for 4 rules, and “unnecessary” for 27 rules in 15A NCAC 02D and “necessary with public interest” for 90 rules in 15A NCAC 02Q. A comment period was held from March 13, 2015 to June 19, 2015 to accept comments on the Periodic Review of Rules Reports.

Staff presented an overview of the comments received at the July AQC meeting and is returning to the EMC with a final recommendation for the EMC’s action.

A total of 11 sets of comments were received from various persons and entities via the online system and/or letter or email addressing a total of 35 rules. Eight of the rules on which comment was received were already classified as “necessary with substantive public interest.” Staff is not recommending any changes to the initial classifications of the 02D rules. Staff is not recommending any changes to the classification of rules in 15A NCAC 02Q.

**Recommendation:**

The Director recommends that the Environmental Management Commission approve the S.L. 2013-413 Periodic Review of Rules reports for 15A NCAC 02D and 02Q with the agency’s final determinations for submission per 26 NCAC 05 .0203 to the Rules Review Commission for their December 17, 2015 meeting.