

RULE SUMMARY

Subject: Repeal of Transportation Facilities Permitting Rules (523)

Rule Citation	What is Changed	Purpose of Change (Why)	Who is Affected and How	Impacts
<p><u>Repeal:</u></p> <p>15A NCAC 02D</p> <p>.0801 Purpose And Scope</p> <p>.0802 Definitions</p> <p>.0804 Airport Facilities</p> <p>.0805 Parking Facilities</p> <p>.0806 Ambient Monitoring And Modeling Analysis</p> <p>15A NCAC 02Q</p> <p>.0601 Purpose Of Section And Requirement For A Permit</p> <p>.0602 Definitions</p> <p>.0603 Applications</p> <p>.0604 Public Participation</p> <p>.0605 Final Action On Permit Applications</p> <p>.0606 Termination, Modification And Revocation Of Permits</p> <p>.0607 Application Processing Schedule</p> <p><u>Amend:</u></p> <p>15A NCAC 02D</p> <p>.0101 Definitions</p> <p>15A NCAC 02Q</p> <p>.0101 Required Air Quality Permits</p> <p>.0103 Definitions</p> <p>.0104 Where To Obtain And File Permit Applications</p> <p>.0203 Permit And Application Fees</p>	<p>Part V, Section 27 of the Session Law 2013-413, amended G.S. 143-215.109(a) to provide the EMC flexibility to determine whether rules are necessary for controlling the effects of these sources on air quality.</p> <p>Rules in 15A NCAC 02D .0800 and 02Q .0600 would need to be repealed to reduce unnecessary burden.</p> <p>Amendments to other rules are necessary to remove obsolete cross references that would remain due to the rules being proposed for repeal.</p>	<p>The Division of Air Quality identified the Transportation Facilities Permitting rules as outdated requirements that are not providing environmental benefit and no longer federally required. The rules are focused on addressing carbon monoxide emissions; however, North Carolina does not have any carbon monoxide (CO) nonattainment areas. Currently, the CO monitors are measuring ambient concentrations at approximately 20 percent of the standard.</p> <p>Also, evaluations of transportation facility applications have resulted in no additional requirements, and therefore are no longer necessary.</p>	<p>There are two groups of affected parties:</p> <p>The owner or operator of a transportation facility by not being required to do the following permitting activities</p> <ol style="list-style-type: none"> 1. Submit a permit application for new or modified transportation facilities 2. Conduct dispersion modeling analyses that demonstrate compliance with ambient air quality standards for carbon monoxide or traffic analyses showing a level of service of A, B, C, or D as defined in the Highway Capacity Manual 3. Conduct public notice and 30 day public comment. <p>The DAQ by elimination of requirements to process the transportation permit application.</p>	<p>Proposed repeals do not require a fiscal note of impacts, and these amendments have minimal fiscal impacts.</p> <p>Certification by OSBM that DAQ followed the rule-making process is required according to G.S. 150B-19.1.</p> <p>DAQ will have a reduction in revenue of \$400 per permit application and \$50 per change of ownership. Recently, fewer than six transportation permits are issued annually. DAQ saves costs to notice a permit in a newspaper in the area where the transportation facility is located.</p> <p>Public health is not impacted.</p>