

**Concept**

Implementing E-notice provisions in Permitting Rules (538)

**Reason for Action**

To revise the public notice provisions in Clean Air Act permitting programs.

**Scope/Nature/Summary**

On October 5, 2016, the EPA signed a final rule that finalized revisions to the public notice provisions of the New Source Review (NSR), Title V and Outer Continental Shelf (OCS) permit programs of the Clean Air Act (CAA). This action removes the mandatory requirement to provide public notice for draft permits (and certain other program actions) by newspaper publication and instead provides for electronic-notice (e-notice) of these actions. Permitting agencies that implement e-notice are also required to post the draft permit on a website (e-access). E-notice, which is already being practiced by the EPA and many other permitting agencies, results in cost savings over newspaper publication and enables agencies to provide notice of draft permits and other affected actions more quickly and efficiently. Several permitting rules including 15A NCAC 02Q .0521, and 02D .0530, .0531 and .0544 may need to be amended to remove the requirement to publish a public notice for draft permits in a local newspaper.

These amendments are being proposed by staff.

**Statutory Authority**

G.S. 143-215.3(a)(1); 143-215.107(a)(10); 143-215.108; 143-215.111(4)