Agenda Item: **Request to Proceed to Hearing on Repeal of Transportation Facilities Permitting Rules (523)**

Explanation: The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider repeal of the transportation facilities permitting requirements.

In previous review of air quality rules, the Division of Air Quality (DAQ) identified the Transportation Facilities Permitting rules as outdated requirements that are not providing environmental benefit. 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. Additionally, federal engine standards have resulted in significant CO reductions from mobile sources. Also, evaluations of transportation facility applications have resulted in no additional requirements, and therefore are no longer necessary.

At the conclusion of the 2013 legislative session, the General Assembly enacted S.L. 2013-413, An Act to Improve and Streamline the Regulatory Process in Order to Stimulate Job Creation, to Eliminate Unnecessary Regulation, to Make Various Other Statutory Changes, and to Amend Certain Environmental and Natural Resources Laws. Part V, Section 27 of the Session Law amended G.S. 143-215.109(a) to provide the Environmental Management Commission the flexibility to determine whether rules are necessary for controlling the effects of these sources on air quality.

Rules in Sections 15A NCAC 02D .0800 and 02Q .0600 are proposed for repeal to reduce unnecessary burden to the regulated community while maintaining public health. Amendments to Rules 15A NCAC 02Q .0101, .0103, .0104 and .0203 are necessary to remove obsolete cross references that would remain due to the rules being proposed for repeal.

The proposed repeals do not require a fiscal note. Certification by OSBM that DAQ followed the rule-making process is required according to G.S. 150B-19.1.

Recommendation: The Director recommends that the Commission approve the proposed rules repeals and amendments and authorize a public hearing(s) on these items and that the Chairman appoint a member(s) of the Commission to serve as hearing officer(s).