

**Agenda Item:** Request Adoption of Rule Revisions to Incorporate Session Law 2017-10 Requirements and Rule Readoption of Motor Vehicle Inspection/Maintenance (I/M) Rules in 15A NCAC 02D Section .1000 and Final Approval of Fiscal Note (544)

**Explanation:** A public hearing was held in Raleigh, North Carolina, on January 16, 2018 on the proposed amendment and readoption of six rules in 15A NCAC 02D Section .1000. J.D. Solomon, Chairman of the Environmental Management Commissioner and Air Quality Committee member, was appointed and acted as the hearing officer during the hearing.

The hearing considered the proposed readoption with amendments to 15A NCAC 02D Section .1000 – Inspection & Maintenance in accordance with the requirements of G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules. The changes as follows:

15A NCAC 02D .1001, Purpose is proposed for readoption without substantive change to update formatting consistent with the Administrative Procedures Act (APA).

15A NCAC 02D .1002 Applicability is proposed for readoption with substantive change in response to statutory revisions in North Carolina Session Law 2017-10. The purpose of the change is to incorporate model year coverage requirements in the 22 remaining I&M counties.

15A NCAC 02D .1003 Definitions is proposed for readoption without substantive change to update the format of references.

15A NCAC 02D .1005 On-Board Diagnostic Standards is proposed for readoption without substantive change to update the format of references.

15A NCAC 02D .1006 Sale and Service of Analyzers is proposed for readoption without substantive change to update other administrative language consistent with the Administrative Procedures Act.

15A NCAC 02D .1008, Heavy Duty Diesel Engine Requirements is proposed for readoption without change.

A fiscal note on the proposed changes to 15A NCAC 02D .1000 was submitted to the Office of State Budget and Management (OSBM) in accordance with G.S.150B-21.4. On September 7, 2017, OSBM determined the rule changes have substantial economic impact on state, local and private entities. The approved fiscal note analysis can be found in Chapter VI of the hearing record.

EPA provided a written response acknowledging receipt of the public notice and proposed rules on the "Amendments to the I&M Air Quality Rules" and did not comment on the I&M rules.

**Recommendation:** The Hearing Officer recommends that the proposed for readoption of six rules in 15A NCAC 02D Section .1000 as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.