AGENDA ITEM 5

Concept

Repeal of Transportation Facilities Permitting Rules (523)

Reason for Action

To repeal unnecessary transportation facilities permitting requirements

Scope/Nature/Summary

In previous review of air quality rules, the Division of Air Quality identified the Transportation Facilities Permitting rules as outdated requirements that are not providing environmental benefit.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Rules in 15A NCAC 02D .0800 and 02Q .0600 would need to be repealed to reduce unnecessary burden.

Statutory Authority

G.S. 143-215.3(a)(1); 143-215.108; 143-215.109; S.L. 2013-413