

Agenda Item: **Request for Approval of Hearing Officer's Report on repeal of 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286**

Explanation: The Environmental Management Commission held a public hearing on May 25, 2016 at 3:00 pm in Raleigh, NC. Program Consultant at the Division of Air Quality Lori Cherry served as hearing officer for the hearing.

The hearings considered the proposed repeal of 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286 which mandates the Secretary of the Department Environmental Quality repeal 15A NCAC 020 .1010. Until the effective date of the repeal, 15A NCAC 020 .1010 shall not be implemented or enforced

Section 4.24 of Session Law 2015-286 requires the Secretary of Environment and Natural Resources to repeal the Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions. The Department of Environment and Natural Resources has been renamed the Department of Environmental Quality (DEQ). Until the effective date of the repeal of the rule required pursuant to this section, the law prohibits the DEQ Secretary, the Environmental Management Commission, or any other political subdivision of the State from implementing or enforcing 15A NCAC 02D .1010.

The Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, was adopted in July 10, 2010 to reduce nitrogen oxide (NOx) and particulate emissions from heavy-duty trucks (both gasoline and diesel fueled) through the reduction of unnecessary idling. Currently, the ozone and particulate matter monitors are measuring ambient concentrations lower than the National Ambient Air Quality Standards (NAAQS).and North Carolina does not have any ozone and particulate nonattainment areas.

Fuel is a large expense for the trucking industry. Idling adversely impacts fleet and truck owners by increasing both fuel and maintenance operating expenses. An hour of idling time consumes about one gallon of diesel fuel. Additionally, letting an engine idle actually does more damage to the engine than starting and stopping. Running an engine at low speed (idling) causes twice the wear on internal parts compared to driving at regular highway speeds, which can increase maintenance costs and shorten the life of the engine. These facts indicate that idling is costly for trucking companies which provides companies an incentive to enforce their own restrictions on idling.

Pursuant to G.S. 150B-21.4(d), DAQ is not required to submit a fiscal and regulatory impact analysis to OSBM for proposed rule 15A NCAC 02D .1010 repeal.

Four persons provided comments for the hearing record during the comment period on the proposed repeal of Rule15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286. Commenters

included members of the general public, environmental organizations, health-based organizations and members of the medical community,

One person noted that there is no reason to idle heavy-duty vehicles that do not have ancillary processes like refrigeration. A second person commented that restrictions on idling times for diesel trucks near frack sites would do much to reduce the exposure of citizens living in shale areas to toxic diesel air emissions. The third person expressed his objection to repeal or relaxation of these standards intended to protect air quality was stated. The fourth person commented regarding a potential environmental justice problem that the proposed repeal poses and that EMC should use its authority to implement Clean Air Act Standards to remedy the gap the NC Legislature has left.

Pursuant to Section 4.24 of the Session Law 2015-286 the Secretary of DEQ has the obligation to repeal 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions.

Recommendation:

The Hearing Officer recommends that the proposed repeal as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR QUALITY

REPORT OF PROCEEDINGS OF PUBLIC HEARING
ON REPEAL OF 15A NCAC 02D .1010, HEAVY-DUTY VEHICLE
IDLING RESTRICTIONS, PURSUANT TO SECTION 4.24 OF SESSION
LAW 2015-286

May 25, 2016
RALEIGH, NC

ENVIRONMENTAL MANAGEMENT COMMISSION

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CHAPTER I

Summaries and Recommendations

Proposed repeal of Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286.

BACKGROUND AND SUMMARY

A public hearing was held in Raleigh, NC on May 25, 2016 to receive public comments on repeal of Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286.

Section 4.24 of Session Law 2015-286 requires the Secretary of Environment and Natural Resources to repeal the Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, on or before March 1, 2016. The Department of Environment and Natural Resources has been renamed the Department of Environmental Quality (DEQ). Until the effective date of the repeal of the rule required pursuant to this section, the law prohibits the DEQ Secretary, the Environmental Management Commission, or any other political subdivision of the State from implementing or enforcing 15A NCAC 02D .1010.

The Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, was adopted in July 10, 2010 to reduce nitrogen oxide (NOx) and particulate emissions from heavy-duty trucks (both gasoline and diesel fueled) through the reduction of unnecessary idling. Currently, the ozone and particulate matter monitors are measuring ambient concentrations lower than the National Ambient Air Quality Standards (NAAQS) and North Carolina does not have any ozone and particulate nonattainment areas.

Fuel is a large expense for the trucking industry. Idling adversely impacts fleet and truck owners by increasing both fuel and maintenance operating expenses. An hour of idling time consumes about one gallon of diesel fuel. Additionally, letting an engine idle actually does more damage to the engine than starting and stopping. Running an engine at low speed (idling) causes twice the wear on internal parts compared to driving at regular highway speeds, which can increase maintenance costs and shorten the life of the engine. These facts indicate that idling is costly for trucking companies which provides companies an incentive to enforce their own restrictions on idling.

Pursuant to [G.S. 150B. 4\(d\)](#), the DAQ is not required to prepare and submit a fiscal and regulatory impact analysis to OSBM for proposed Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions repeal.

PUBLIC COMMENTS AND RESPONSES THERETO

Comment: Ms. Laura Wenzel, manager of the Medical Advocates for Healthy Air raised concerns regarding the repeal of Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, because of the health impacts of exposure to diesel exhaust. Ms. Wenzel noted that diesel exhaust is a mixture of particulate matter and air toxics that is linked to lung cancer, asthma, stroke,

dementia, irritation in the eyes, coughs, headaches and nausea. The World Health Organization has named particulate matter the greatest environmental cause of cancer, and there is no safe level of exposure.

Ms. Wenzel noted that there is no reason to idle heavy-duty vehicles that do not have ancillary processes like refrigeration. It wastes fuel and wears down the engine. Auxiliary power units, or APUs, can provide cab comfort without producing harmful emissions. Truck operators like APUs; in fact, the Triangle Clean Cities APU program was so successful, they had to extend it and to limit distribution.

She further indicated that the idling restriction rule was undermined by the lack of a public awareness campaign and a prohibitively difficult reporting procedure that required logging into a website.

She concluded, “to protect the health of North Carolinians and avoid unnecessary health costs and lost productivity, while also saving money for truck operators, it would make more sense to keep this rule limiting idling time, make it easier to report violations and expand APU distribution.”

Ms. Wenzel also submitted written comments to the DAQ in which she included her recommendations to revise the rule to protect sensitive North Carolinians from exposure to diesel pollution.

Response: Section 4.24 of the Session Law 2015-286 mandates that the Secretary of Environment and Natural Resources (now the Department of Environmental Quality) repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions). Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced.

Comment: Ms. Thelma Sharon Garbutt from Pittsboro, NC suggested that restrictions on idling times for diesel trucks near frack sites would do much to reduce the exposure of citizens living in shale areas to toxic diesel air emissions. She explained her particular interest to this rule by her neighboring to shale deposits in Chatham and Lee Counties. She noted that if fracking is undertaken then the idling of diesel trucks will become a serious issue for the citizens living in the areas being fracked. The NC DOT has estimated that a single well will require as many as 1600 truck deliveries. A single frack pad can have multiple wells—a pad with 8 wells will require as many as 12,800 truck trips. Many, if not most, of these trucks will be diesels. The trucks often move in slow convoys, clogging community streets and waiting in long lines at the frack sites. She asked if the EMC can recommend that idling of diesel trucks near frack sites be prohibited. This could reduce the exposure of citizens to the toxic emissions from the extraordinary number of diesel trucks that will converge on frack sites. She also attached information about problems associated with diesel to her comments.

Response: Section 4.24 of the Session Law 2015-286 mandates that the Secretary of Environment and Natural Resources repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions). Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced

Comment: Mr. Charles E Wilson, Member of Forsyth County Environmental Assistance and Protection Board, indicated that air quality is a quality-of-life issue to all of us and a life or death issue to some and stated his opposition to repeal or relaxation of these standards intended to protect air quality.

Response: Section 4.24 of the Session Law 2015-286 mandates that the Secretary of Environment and Natural Resources repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions) on or before March 1, 2016. Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced.

Comment: Jamie Cole, Policy Advocate, NC Conservation Network, noted that the proposed repeal poses a potential environmental justice problem. The EMC should recognize that repealing 15A NCAC 02D .1010 threatens vulnerable North Carolinians, especially young children and the elderly. While all children are a high risk population in reference to diesel emissions, asthma prevalence is highest among black and multiracial persons. Ms. Cole indicated that North Carolina achieved attainment for all National Ambient Air Quality Standards (NAAQS) because of protective regulations like the idling restrictions. Nevertheless, The Charlotte area has already seen ozone exceedances this year. Ms. Cole asked the EMC to consider the signal this rule repeal must send to the EPA and the potential ramifications of taking environmental protection backward and keep some form of idling restriction on the books as to protect the health of members of the public. However, she acknowledged that many people – including, many long haul truck drivers – conscientiously obey rules even when enforcement is lax. Finally, Ms. Cole called on the Commission to actively acknowledge the short sighted policy decision of the NC Legislature when they had voted to repeal this rule and the irreversible impacts such a repeal could have on North Carolina’s ambient air quality, communities of color and specifically children of color. Ms. Cole urged the EMC to use its authority to implement Clean Air Act Standards to remedy the gap the NC Legislature has left.

Response: Section 4.24 of the Session Law 2015-286 mandates that the Secretary of Environment and Natural Resources repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions). Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced.

SUMMARY OF COMMENTS AND RESPONSES

<u>Comment</u>	<u>Response</u>
Recommendations to revise the rule to protect sensitive North Carolinians from exposure to diesel pollution.	Section 4.24 of the Session Law 2015-286 mandates that the Secretary of the Department of Environment and Natural Resources (now DEQ) repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions) and prohibits its implementation or enforcement in the interim until it is repealed.
Restrictions on idling times for diesel trucks near frack sites would do much to reduce the exposure of citizens living in shale areas to toxic diesel air emissions.	Section 4.24 of the Session Law 2015-286 mandates that the Secretary of the Department of Environment and Natural Resources (now DEQ) repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions) and prohibits its implementation or enforcement in the interim until it is repealed.

<p>Objection to repeal or relaxation of these standards intended to protect air quality was stated.</p>	<p>Section 4.24 of the Session Law 2015-286 mandates that the Secretary of the Department of Environment and Natural Resources (now DEQ) repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions and prohibits its implementation or enforcement in the interim until it is repealed.</p>
<p>The proposed repeal poses a potential environmental justice problem. The EMC should use its authority to implement Clean Air Act standards to remedy the gap the NC Legislature has left.</p>	<p>Section 4.24 of the Session Law 2015-286 mandates that the Secretary of the Department of Environment and Natural Resources (now DEQ) repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions and prohibits its implementation or enforcement in the interim until it is repealed.</p>

CONCLUSION

Four persons provided comments for the hearing record on the proposed repeal of Rule 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286 during the comment period.

One person noted that there is no reason to idle heavy-duty vehicles that do not have ancillary processes like refrigeration.

A second person commented that restrictions on idling times for diesel trucks near fracking sites would do much to reduce the exposure of citizens living in shale areas to toxic diesel air emissions.

The third person expressed his objection to repeal or relaxation of these standards intended to protect air quality.

The fourth person commented that the proposed repeal poses a potential environmental justice problem. She advised that EMC should use its authority to implement Clean Air Act Standards to remedy the gap the NC Legislature has left.

Pursuant to Section 4.24 of the Session Law 2015-286 the Secretary of Environment and Natural Resources (now named the Department of Environmental Quality) in conjunction with the Environmental Management Commission, has the obligation to repeal 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions.

HEARING OFFICER’S RECOMMENDATION

The Hearing Officer recommends that the proposed amendments as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.

CHAPTER II

Rule Change Formatting Key

Chapter IV of this hearing record represents the proposed rules as noticed in the *North Carolina Register* for public comment.

Chapter II represents the proposed rules as published with changes made in response to comments received during the public comment period incorporated.

For Rule Amendments:

~~Text~~ = deleted text

Text = added text

~~Text~~ = existing text in what was published in the *North Carolina Register* (NCR) that is proposed to be deleted following the comment period

Text = text proposed to be added to what was published in the NCR following the comment period

Text = text initially proposed in the NCR to be deleted that is restored following the comment period

~~Text~~ = text proposed in the NCR to be added that is deleted following the comment period

Note: For new rules proposed for adoption, all text is initially underlined. If there are changes to the proposed new rule following publication in the NCR, the underlining is removed, deleted text is struck through, added text is underlined, and there is no highlighting.

1 15A NCAC 02D .1010 is proposed for repeal as follows:

2
3 **15A NCAC 02D .1010 HEAVY-DUTY VEHICLE IDLING RESTRICTIONS**

4 ~~(a) Applicability. The requirements of this Rule apply to on-road heavy-duty vehicles powered in part or entirely by an~~
5 ~~internal combustion engine.~~

6 ~~(b) Definitions. For the purposes of this Rule, the following definitions apply:~~

7 ~~(1) "Auxiliary power unit" means a mechanical or electrical device affixed to a vehicle that is designed to~~
8 ~~be used to generate an alternative source of power for any of the vehicle's systems other than the~~
9 ~~primary propulsion engine;~~

10 ~~(2) "Congestion" means a situation that occurs when the volume of traffic exceeds the capacity of a~~
11 ~~roadway;~~

12 ~~(3) "Emergency" means a situation that poses an immediate risk to health, life, property, or environment;~~

13 ~~(4) "Emergency vehicle" means any vehicle that responds to or supports an emergency. These vehicles are~~
14 ~~operated by part of the government, charities, non-governmental organizations, and commercial~~
15 ~~companies;~~

16 ~~(5) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of~~
17 ~~a single vehicle;~~

18 ~~(6) "Farm vehicle" means a vehicle used exclusively for farm use and operated within 150 miles of the~~
19 ~~farmer's farm by the farmer or the farmer's employee to transport either agricultural product, farm~~
20 ~~machinery, or farm supplies. It is not used in the operations of a for-hire motor carrier.~~

21 ~~(7) "Heavy-duty vehicle" means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating of~~
22 ~~10,001 pounds or greater for the purpose of this Rule;~~

23 ~~(8) "Idling" means the operation of a motor vehicle's propulsion engine while the vehicle is stationary;~~

24 ~~(9) "Military vehicle" means a motor vehicle owned by the U.S. Department of Defense;~~

25 ~~(10) "Motor vehicle" means any self-propelled vehicle used for transporting property or persons;~~

26 ~~(11) "On-road vehicle" means a self-propelled vehicle that is designed for use on a highway.~~

27 ~~(12) "Passenger bus" means any bus, including school buses, which is designed to carry sixteen or more~~
28 ~~passengers;~~

29 ~~(13) "Power take-off" means a device used to transfer mechanical energy from a heavy-duty vehicle's~~
30 ~~propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power to~~
31 ~~non-vehicular mechanical, pneumatic, hydraulic, or electrically operated devices; and~~

32 ~~(14) "Queue area" means an area used by heavy-duty vehicles waiting to provide or receive services.~~

33 ~~(c) Exemptions. The following exemptions to idle restrictions apply to this Rule:~~

34 ~~(1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions, traffic control~~
35 ~~devices or signals, congestion, or at the direction of law enforcement officials;~~

36 ~~(2) Emergency vehicles may idle while performing an emergency or training function. This exemption~~
37 ~~does not apply when idling only for driver comfort;~~

- 1 ~~(3) Military vehicles;~~
- 2 ~~(4) Heavy duty vehicles may idle main propulsion engines to operate power take offs to perform the~~
- 3 ~~heavy duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo, dumping,~~
- 4 ~~lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use of power take~~
- 5 ~~offs). This exemption does not apply when idling only for driver comfort;~~
- 6 ~~(5) Heavy duty vehicles may idle if following manufacturer's recommendations for cold engine startup and~~
- 7 ~~engine cool down, maintenance, inspection, servicing, repairing, or diagnostic purposes, if idling is~~
- 8 ~~required for such activity;~~
- 9 ~~(6) Heavy duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air~~
- 10 ~~conditioning or heating during federally mandated rest or sleep periods. This exemption shall expire~~
- 11 ~~on May 1, 2011;~~
- 12 ~~(7) Auxiliary power units;~~
- 13 ~~(8) Heavy duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission standard~~
- 14 ~~in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);~~
- 15 ~~(9) A passenger bus when non-driver passengers are on board the vehicle and up to 20 minutes prior to~~
- 16 ~~passengers boarding;~~
- 17 ~~(10) Heavy duty vehicles may idle to provide customer climate controlled comfort during periods of~~
- 18 ~~providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety glasses~~
- 19 ~~vendors). This exemption does not apply when idling only for driver comfort; and~~
- 20 ~~(11) Heavy duty vehicles may idle if defrosters, heaters, air conditioners, or other equipment are operating~~
- 21 ~~solely to prevent a safety or health emergency.~~
- 22 ~~(12) Heavy duty farm vehicles.~~

~~(d) Requirements.~~

- 24 ~~(1) No person who operates a heavy duty vehicle shall cause, let, permit, suffer or allow idling for a~~
- 25 ~~period of time in excess of 5 consecutive minutes in any 60 minute period.~~
- 26 ~~(2) Heavy duty vehicles located in a queue area are not exempted from this Rule.~~

28 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b);*
 29 *Eff. July 10, 2010-2010;*
 30 *Repealed Eff. September 1.*

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CHAPTER III

REPORT OF PROCEEDINGS

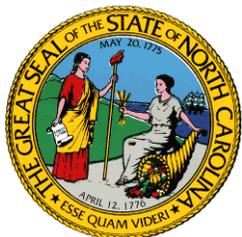
Introduction

The Department of Environmental Quality, Division of Air Quality, held a public hearing on May 25, 2016 at 3:00pm in Raleigh, NC.

The hearing considered the proposed repeal of 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286

The proposed effective date for this rule is September 1, 2016

A public notice announcing this hearing was mailed to each person on the official mailing list for rule-making hearings. The public notice was also published in the North Carolina Register at least 15 days before the public hearing and posted on the North Carolina Division of Air Quality website at least 30 days prior to the public hearing.



ENVIRONMENTAL MANAGEMENT COMMISSION

NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Steven J. Rowlan
Chairman
Kevin Martin
Vice Chairman

Pat McCrory, Governor
Donald R. van der Vaart, Secretary

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Dr. Albert R. Rubin
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John D. Solomon
Steve W. Tedder
Julie A. Wilsey

March 24, 2016

MEMORANDUM

To: Lori Cherry

From: Steven J. Rowlan

Subject: Hearing Officer Appointment

A public hearing has been scheduled for May 25, 2016 at 3:00 p.m. in the Training Room (#1210) in the Green Square Building in Raleigh to receive public comments on the revisions to the volatile organic compound rules and the repeal of the heavy duty idling restrictions rule. The attached public notice describes the hearing's purpose.

I am hereby appointing you to serve as hearing officer for this hearing. Please receive all relevant public comment and report your findings and recommendations to the Environmental Management Commission. Ms. Joelle Burleson will provide staff support for you.

If you have any questions, please feel free to contact Joelle Burleson at (919) 707-8720, or me.

SCH/jb

Attachment

cc: Sheila Holman
Lois Thomas
Hearing Record File

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION**PUBLIC NOTICE**

Notice is hereby given for two public hearings to be heard by the North Carolina Department of Environmental Quality, Division of Air Quality concerning the proposed repeal and amendments to air quality rules.

PURPOSE:

Hearing 1: To receive comments on behalf of the Environmental Management Commission and the Secretary of the Department Environmental Quality on repeal of 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286 which mandates the Secretary of the Department Environmental Quality repeal 15A NCAC 02D .1010. Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced.

Hearing 2: To receive comments on behalf of the Environmental Management Commission on amendment to Rule 15A NCAC 02D .0902, Applicability, to narrow the applicability of 15A NCAC 02D .0958, Work Practices for Sources of Volatile Organic Compounds, from statewide to the maintenance area for the 1997 8-hour ozone standard. The proposed amendments will remove unnecessary burden associated with permitting and complying with the work practice standards in 15A NCAC 02D .0958.

Provisions of the Clean Air Act require that the VOC requirements previously implemented in an ozone nonattainment area prior to redesignation of the area to attainment remain in place; however, facilities outside the maintenance area counties for the 1997 8-hour ozone standard would no longer be required to comply with the work practice standards in 15A NCAC 02D .0958.

NOTE: The proposed amendments considered in these hearings, if adopted, will be effective statewide and 15A NCAC 02D .0902 will be submitted to the United States Environmental Protection Agency to be included in the North Carolina State Implementation Plan (SIP); if they are later adopted by a local air pollution control agency, then that agency will enforce them in its area of jurisdiction.

DATES AND LOCATION:

May 25, 2016, 3:00 P.M.
Training Room (#1210), DENR Green Square Office

Building, 217 West Jones Street, Raleigh, NC 27603

COMMENT PROCEDURES: All persons interested in these matters are invited to attend the public hearings. Any person desiring to comment on the rules or fiscal analyses is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing officer may limit oral presentation lengths if many people want to speak. The hearing record will remain open until June 14, 2016 to receive additional written statements. To be included, the statement must be received by the Division of Air Quality by June 14, 2016.

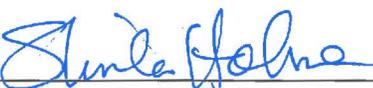
INFORMATION: Copies of the proposed rule changes may be downloaded at <http://daq.state.nc.us/Rules/Hearing/>. Copies of the proposals may also be reviewed at the regional offices of the North Carolina Department of Environment and Natural Resources, Division of Air Quality, located at the following cities:

Asheville	828/296-4500
Fayetteville	910/433-3300
Mooresville	704/663-1699
Raleigh	919/791-4200
Washington	252/946-6481
Wilmington	910/796-7215
Winston-Salem	336/776-9800

Comments should be sent to and additional information concerning the hearings or the proposals may be obtained by contacting:

Ms. Joelle Burleson
 Division of Air Quality
 1641 Mail Service Center
 Raleigh, North Carolina 27699-1641
 (919) 707-8720 Phone/Fax
daq.publiccomments@ncdenr.gov
 (please type May 25, 2016 Hearing in subject line)

DATE: 3/24/16



 Sheila Holman,
 DAQ Director

Transcript

A transcript of the May 25, 2016 hearing has not been prepared; however, an audio recording of the proceeding will be kept on file with the Division of Air Quality for one year from the date of the final actions by the Environmental Management Commission.

A list of those attending the hearing as follows:

Hearing Officer

Ms. Lori Cherry, a Program Consultant at the Division of Air Quality

Staff Members

Ms. Joelle Burlison, DAQ, DENR
Mr. Patrick Knowlson, DAQ, DEQ
Mr. Glenn Sappie, DAQ, DENR
Mr. Vladimir Zaytsev, DAQ, DENR
Mr. Joseph Pendola, DEQ, Environmental Assistance Outreach

Members of the General Public

Ms. Laura Wenzel, Medical Advocates for Healthy Air
Mr. Jamie Cole, NC Conservation Network
Mr. Clementina Sraha, Medical Advocates for Healthy Air
Ms. Natalie Smith, Independent
Mr. Mathew Arsenault, Sierra Club, (NC)

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CHAPTER IV

EXHIBITS

<u>EXHIBIT</u>	<u>PAGE</u>
Proposed Regulations as Published in the North Carolina Register and Presented at the Hearing	IV-2
Hearing Officer comments at the public hearing	IV- 6

(F)	Notetaking and Report Writing	6 hours
(G)	Communication Skills	5 hours
	UNIT TOTAL	39 hours
(4)	MEDICAL UNIT	
(A)	First Aid and CPR	8 hours
(B)	Medical Care in the Jail	6 hours
(C)	Stress	3 hours
(D)	Subject Control Techniques	2 hours
(E)	Physical Fitness for Detention Officers	22 hours
	UNIT TOTAL	71 hours
(5)	REVIEW AND TESTING	7 hours
(6)	STATE EXAM	3 hours
	TOTAL HOURS	172 174 HOURS

(c) Consistent with the curriculum development policy of the Commission as published in the "Detention Officer Certification Course Management Guide," the Commission shall designate the developer of the Detention Officer Certification Course curricula and such designation shall be deemed by the Commission as approval for the developer to conduct pilot Detention Officer Certification Courses. Individuals who complete such a pilot Detention Officer Certification Course offering shall be deemed to have complied with and satisfied the minimum training requirement.

(d) The "Detention Officer Certification Training Manual" published by the North Carolina Justice Academy shall be used as the basic curriculum for the Detention Officer Certification Course. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual, CD, indexes and binder is fifty-one dollars and seventy-five cents (\$51.75) at the time of adoption of this Rule.

(e) The "Detention Officer Certification Course Management Guide" published by the North Carolina Justice Academy is hereby incorporated by reference and shall include any later amendments or editions of the incorporated matter to be used by school directors in planning, implementing and delivering basic detention officer training. The standards and requirements established by the "Detention Officer Certification Course Management Guide" must be adhered to by the school director. The Justice Academy shall issue to each certified school director a copy of the guide at the time of certification at no cost to the certified school.

Authority G.S. 17E-4(a).

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02D .0902, and the Environmental Management Commission and Department of Environmental Quality intends to repeal the rule cited as 15A NCAC 02D .1010.

Link to agency website pursuant to G.S. 150B-19.1(c):
<http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

Proposed Effective Date: September 1, 2016

Public Hearing:

Date: May 25, 2016

Time: 3:00 p.m.

Location: Training Room (#1210), DENR Green Square Office Building, 217 West Jones Street, Raleigh, NC 27603

Reason for Proposed Action:

Hearing 1: To receive comments on behalf of the Environmental Management Commission and the Secretary of the Department of Environmental Quality on repeal of 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions, pursuant to Section 4.24 of Session Law 2015-286 which mandates the Secretary of the Department of Environmental Quality repeal 15A NCAC 02D .1010. Until the effective date of the repeal, 15A NCAC 02D .1010 shall not be implemented or enforced.

Hearing 2: To receive comments on behalf of the Environmental Management Commission on amendment to Rule 15A NCAC 02D .0902, Applicability, to narrow the applicability of 15A NCAC 02D .0958, Work Practices for Sources of Volatile Organic Compounds (VOC), from statewide to the maintenance area for the 1997 8-hour ozone standard. The proposed amendments will remove unnecessary burden associated with permitting and complying with the work practice standards in 15A NCAC 02D .0958.

Provisions of the Clean Air Act require that the VOC requirements previously implemented in an ozone nonattainment area prior to redesignation of the area to attainment remain in place; however, facilities outside the maintenance area counties for the 1997 8-hour ozone standard would no longer be required to comply with the work practice standards in 15A NCAC 02D .0958.

Comments may be submitted to: Joelle Burlison, 1641 Mail Service Center, Raleigh, NC 27699-1641, phone (919) 707-8720, fax (919) 707-8720, email daq.publiccomments@ncdenr.gov (please type May 25, 2016 hearings in the subject line).

Comment period ends: June 14, 2016

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery

service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

CHAPTER 02 – ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02D – AIR POLLUTION CONTROL REQUIREMENTS

SECTION .0900 – VOLATILE ORGANIC COMPOUNDS

15A NCAC 02D .0902 APPLICABILITY

(a) The rules in this Section do not apply except as specifically set out in this Rule.

(b) This Section applies to sources that emit greater than or equal to 15 pounds of volatile organic compounds per day unless specified otherwise in this Section.

(c) Rules .0925, .0926, .0927, .0928, .0931, .0932, .0933, and .0958 of this Section apply regardless of the level of emissions of volatile organic compounds unless provisions specified in Paragraph (d)(1) of this Rule are applied.

(d) This Section does not apply to:

- (1) sources that emit less than 800 pounds of volatile organic compounds per calendar month and that are:
 - (A) bench-scale, on-site equipment used exclusively for chemical or physical analysis for quality control purposes, staff instruction, water or wastewater analyses, or non-production environmental compliance assessments;
 - (B) bench-scale experimentation, chemical or physical analyses, training or instruction from not-for-profit, non-production educational laboratories;
 - (C) bench-scale experimentation, chemical or physical analyses, training or instruction from hospitals or health laboratories pursuant to the determination or diagnoses of illness; or
 - (D) research and development laboratory activities, provided the activity produces no commercial product or feedstock material; or
- (2) emissions of volatile organic compounds during startup or shutdown operations from sources which use incineration or other types of

combustion to control emissions of volatile organic compounds whenever the off-gas contains an explosive mixture during the startup or shutdown operation if the exemption is approved by the Director as meeting the requirements of this Subparagraph.

(e) The following rules of this Section apply to facilities located statewide:

- (1) .0925, Petroleum Liquid Storage in Fixed Roof Tanks, for fixed roof tanks at gasoline bulk plants and gasoline bulk terminals;
- (2) .0926, Bulk Gasoline Plants;
- (3) .0927, Bulk Gasoline Terminals;
- (4) .0928, Gasoline Service Stations Stage I;
- (5) .0932, Gasoline Truck Tanks and Vapor Collection Systems;
- (6) .0933, Petroleum Liquid Storage in External Floating Roof Tanks, for external floating roof tanks at bulk gasoline plants and bulk gasoline terminals;
- (7) .0948, VOC Emissions from Transfer Operations; and
- (8) .0949, Storage of Miscellaneous Volatile Organic Compounds; and Compounds.
- ~~(9) .0958, Work Practices for Sources of Volatile Organic Compounds.~~

(f) Except as provided in Paragraph (e) of this Rule, the rules in this Section apply to facilities subject to Section 182(b)(2) of the Clean Air Act with potential to emit 100 or more tons per year of VOC and to facilities with potential to emit less than 100 tons per year of volatile organic compounds in categories for which the United States Environmental Protection Agency has issued Control Technique Guidelines that are located in the following moderate nonattainment areas for the 1997 8-hour ozone standard as designated in 40 CFR ~~81.334~~ 81.334 prior to January 2, 2014:

- (1) Cabarrus County;
- (2) Gaston County;
- (3) Lincoln County;
- (4) Mecklenburg County;
- (5) Rowan County;
- (6) Union County; and
- (7) Davidson Township and Coddle Creek Township in Iredell County.

These facilities are subject to reasonably available control technology requirements under this Section and shall comply with these requirements in accordance with Rule .0909 of this Section through use of Rule .0951 of this ~~Section~~ Section and with Rule .0958 of this Section.

(g) If any county or part of a county to which this Section applies is later designated in 40 CFR 81.334 as attainment and becomes a maintenance area for the 1997 8-hour ozone standard, all sources in that county or part of county subject to Paragraph (f) of this Rule that achieved compliance in accordance with Rule .0909 of this Section shall continue to comply with this Section. Facilities with potential to emit less than 100 tons of volatile organic compounds per year for which the compliance date in Rule .0909 of this Section has not passed before redesignation of the area to attainment for the 1997 ozone standard shall comply in accordance with Paragraph (h) of this Rule.

(h) If a violation of the 1997 ambient air quality standard for ozone occurs when the areas listed in Paragraph (f) become ozone maintenance area, no later than 10 days after the violation occurs, the Director shall initiate technical analysis to determine the control measures needed to attain and maintain the 1997 8-hour ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the 1997 8-hour ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as being necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the Rules implemented are to apply in the areas listed in Paragraph (f) of this Rule. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this Section, the Director shall send written notification to all permitted facilities within the counties in which the Rules of this Section are being implemented notifying them that they are or may be subject to the requirements defined in Rule .0909 of this Section.

For Mecklenburg County, "Director" means, for the purpose of notifying permitted facilities in Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.

(i) Sources whose emissions of volatile organic compounds are not subject to limitation under this Section may still be subject to emission limits on volatile organic compounds in Rules .0524, .1110, or .1111 of this Subchapter.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5).

15A NCAC 02D .1010 HEAVY-DUTY VEHICLE IDLING RESTRICTIONS

~~(a) Applicability. The requirements of this Rule apply to on road heavy duty vehicles powered in part or entirely by an internal combustion engine.~~

~~(b) Definitions. For the purposes of this Rule, the following definitions apply:~~

- ~~(1) "Auxiliary power unit" means a mechanical or electrical device affixed to a vehicle that is designed to be used to generate an alternative source of power for any of the vehicle's systems other than the primary propulsion engine;~~
- ~~(2) "Congestion" means a situation that occurs when the volume of traffic exceeds the capacity of a roadway;~~
- ~~(3) "Emergency" means a situation that poses an immediate risk to health, life, property, or environment;~~
- ~~(4) "Emergency vehicle" means any vehicle that responds to or supports an emergency. These vehicles are operated by part of the government, charities, non governmental organizations, and commercial companies;~~

~~(5) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle;~~

~~(6) "Farm vehicle" means a vehicle used exclusively for farm use and operated within 150 miles of the farmer's farm by the farmer or the farmer's employee to transport either agricultural product, farm machinery, or farm supplies. It is not used in the operations of a for-hire motor carrier.~~

~~(7) "Heavy duty vehicle" means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating of 10,001 pounds or greater for the purpose of this Rule;~~

~~(8) "Idling" means the operation of a motor vehicle's propulsion engine while the vehicle is stationary;~~

~~(9) "Military vehicle" means a motor vehicle owned by the U.S. Department of Defense;~~

~~(10) "Motor vehicle" means any self propelled vehicle used for transporting property or persons;~~

~~(11) "On road vehicle" means a self propelled vehicle that is designed for use on a highway.~~

~~(12) "Passenger bus" means any bus, including school buses, which is designed to carry sixteen or more passengers;~~

~~(13) "Power take off" means a device used to transfer mechanical energy from a heavy duty vehicle's~~

~~propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power to non vehicular mechanical, pneumatic, hydraulic, or electrically operated devices; and~~

~~(14) "Queue area" means an area used by heavy duty vehicles waiting to provide or receive services.~~

~~(e) Exemptions. The following exemptions to idle restrictions apply to this Rule:~~

~~(1) Heavy duty vehicles may idle if they remain motionless due to traffic conditions, traffic control devices or signals, congestion, or at the direction of law enforcement officials;~~

~~(2) Emergency vehicles may idle while performing an emergency or training function. This exemption does not apply when idling only for driver comfort;~~

~~(3) Military vehicles;~~

~~(4) Heavy duty vehicles may idle main propulsion engines to operate power take offs to perform the heavy duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo, dumping, lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use of power take offs). This exemption does not apply when idling only for driver comfort;~~

~~(5) Heavy duty vehicles may idle if following manufacturer's recommendations for cold engine~~

~~startup and engine cool down, maintenance, inspection, servicing, repairing, or diagnostic purposes, if idling is required for such activity;~~

~~(6) Heavy duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air conditioning or heating during federally mandated rest or sleep periods. This exemption shall expire on May 1, 2011;~~

~~(7) Auxiliary power units;~~

~~(8) Heavy duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);~~

~~(9) A passenger bus when non-driver passengers are on board the vehicle and up to 20 minutes prior to passengers boarding;~~

~~(10) Heavy duty vehicles may idle to provide customer climate controlled comfort during periods of providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety glasses vendors). This exemption does not apply when idling only for driver comfort; and~~

~~(11) Heavy duty vehicles may idle if defrosters, heaters, air conditioners, or other equipment are operating solely to prevent a safety or health emergency.~~

~~(12) Heavy duty farm vehicles.~~

~~(d) Requirements.~~

~~(1) No person who operates a heavy duty vehicle shall cause, let, permit, suffer or allow idling for a period of time in excess of 5 consecutive minutes in any 60 minute period.~~

~~(2) Heavy duty vehicles located in a queue area are not exempted from this Rule. 27.~~

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to adopt the rule cited as 15A NCAC 13B .0207 and amend the rules cited as 15A NCAC 13B .0201 and .0206.

Link to agency website pursuant to G.S. 150B-19.1(c): <http://deq.nc.gov/permits-regulations/rules-regulations/proposed-main>

Proposed Effective Date: September 1, 2016

Public Hearing:

Date: May 4, 2016

Time: 2:00 p.m.

Location: NC Department of Environmental Quality, 217 West Jones Street, Raleigh, NC 27603, Room 1210

Reason for Proposed Action: *Legislative requirement per Session Law 2015-241 (HB97) Landfill Changes, as amended by Session Law 2015-286 (HB765) Modify Effective Date for Life-of-Site Permits for Sanitary Landfills and Transfer Stations and Make Other Technical, Clarifying, and Conforming Changes. Session Law 2015-241 (HB97) states "No later than July 1, 2016, the Environmental Management Commission shall adopt rules to allow applicants for permits for sanitary landfills to apply for a permit for the life-of-site of the facility. No later than July 1, 2016, the Commission shall also adopt rules to allow applicants for permits for transfer stations to apply for a permit to construct and operate a transfer station for the life-of site of the station."*

Comments may be submitted to: *Jessica Montie, 1646 Mail Service Center, Raleigh, NC 27699-1646, phone (919) 707-8247, fax (919) 707-8247, email Jessica.montie@ncdenr.gov*

Comment period ends: June 14, 2016

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected 15A NCAC 13B .0206 and .0207
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4 15A NCAC 13B .0201

CHAPTER 13 – SOLID WASTE MANAGEMENT

SUBCHAPTER 13B – SOLID WASTE MANAGEMENT

SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

15A NCAC 13B .0201 PERMIT REQUIRED

(a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, ~~storage~~ storage, or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).

Hearing Officer's Introduction

INTRODUCTION

[Hearing officer]:

Good evening ladies and gentlemen. My name is Lori Cherry. I am a Program Consultant at the Division of Air Quality. My role as hearing officer is to receive and listen to comments provided by the public on today's proceedings and report them to the Environmental Management Commission. Sitting with me is Ms. Joelle Burleson who is the Supervisor of the Rules Development Branch with the North Carolina Division of Air Quality, Planning Section.

Additionally, there are staff from the Division of Air Quality here to assist. Ms. Burleson, please introduce the staff present.

[Ms. Burleson] (Introduces staff)

[Hearing officer]:

Today, we are conducting two separate public hearings. During Hearing 1, we will take comments on behalf of the Environmental Management Commission and the Secretary of the Department of Environmental Quality concerning the proposed repeal of the *Heavy-Duty Vehicle Idling Restrictions* rule in rule 15A of the North Carolina Administrative Code (hereinafter, NCAC), 02D.1010. This action is directed by Session Law 2015-286.

During Hearing 2, we will take comments on a proposed amendment to rule 15A NCAC 02D.0902, *Applicability*, to remove certain unnecessary permitting and compliance work practice standards associated with the rule 15A NCAC 02D.0958, *Work Practice Standards for Sources of Volatile Organic Compounds*. This action is being proposed to satisfy requirements under the North Carolina General Statutes, Chapter 150B, *Administrative Procedure Act* and Executive Order 70, Rules Modification and Improvement Program, dated October 21, 2010 as amended by E.O. 48 dated April 9, 2014.

Fiscal notes are not required for the proposed rule repeal in Hearing 1 nor the proposed rule amendments in Hearing 2.

The public notice for these hearings was published in Volume 30, Issue 20 of the North Carolina Register on April 15, 2016 and the public notice was posted on the Division of Air Quality website on April 5, 2016. Copies of the notice were sent on April 14, 2016 to those on the official DAQ mailing list.

I am entering the public notice, the proposed language for the rule repeal in Hearing 1 and rule amendment in Hearing 2 into the hearing records without reading them at this time. Please note that after today's hearing, the hearing record will remain open until June 14, 2016 to receive additional written statements. Statements must be received by the Division of Air Quality by this date, June 14, 2016, and can be mailed to the Division of Air Quality or sent electronically to daq.publiccomments@ncdenr.gov.

If you have registered to speak today, it would be helpful to have a written statement of your comments for inclusion into the hearing record. Once called to speak, please come to the podium and state your name clearly, identify the rule or rules you are commenting on, and whom you represent.

[Hearing 1]:

I will now open the first hearing and take relevant comments on the proposed repeal of the *Heavy-Duty Vehicle Idling Restrictions* rule.

At the conclusion of the 2015 legislative session, Session Law 2015-286 was enacted by the General Assembly. Section 4.24 of this Session Law requires the Secretary of Environment and Natural Resources to repeal the Rule 15A NCAC 02D .1010, *Heavy-Duty Vehicle Idling Restrictions*, on or before March 1, 2016. The Session Law also specifies that the State shall not implement or enforce the rule during the interim until its repeal.

The *Heavy-Duty Vehicle Idling Restrictions* rule is a complaint-driven rule that is focused on addressing nitrogen oxide (hereinafter, NOx) and particulate matter emissions from heavy-duty trucks (both gasoline and diesel fueled) by reducing unnecessary engine idling. However, North

Carolina does not have any nitrogen oxide (NOx) or particulate matter nonattainment areas. This means that North Carolina is meeting the federal ambient air quality standards for NOx and for particulate matter. This is confirmed by air quality monitors operated throughout the state that are measuring ambient concentrations lower than the federal ambient air quality standards and by Environmental Protection Agency review and affirmation that North Carolina is attaining these air quality standards.

Additionally, idling can be costly for trucking companies which often enforce their own restrictions on engine idling.

Rule 15A NCAC 02D .1010, *Heavy-Duty Vehicle Idling Restrictions*, is proposed for repeal to meet Section 4.24 of the Session Law 2015-286 requirements.

{ optional script if there are a large number of speakers }

[Hearing officer]: Optional Time Limit

Due to time constraints, speakers' presentations will be limited to 3 minutes. AS a reminder, it would be helpful if speakers would submit a written statement by the close of the comment period for inclusion into the hearing record.

[Hearing officer]:

I will now take any comments that you may have.

[SPEAKERS]

[Hearing officer]:

Is there anyone else who would like to comment? If there are no more comments, then this hearing is closed. As previously stated, the hearing record will remain open until June 14, 2016, for additional written comments.

[Hearing 2]:

I will now open the second hearing and take relevant comments on the proposed amendments to the applicability rule associated with the work practice standards for sources of volatile organic compounds (hereinafter, VOC). Rule 15A NCAC 02D .0902, *Applicability*, is proposed to be amended to remove unneeded permitting and compliance requirements for work practice standards indicated in rule 15A NCAC 02D .0958, *Work Practices for Sources of Volatile Organic Compounds*.

The compilation of rules contained in 15A NCAC 02D .0900 address air pollution control requirements of stationary source VOC emissions from industrial processes. These VOC emission control rules are related to the Clean Air Act requirements to meet, or attain, the National Ambient Air Quality Standard for ozone. Ozone is formed through a series of complex chemical and physical interactions that involves VOCs. Thus, suppressing VOC emissions is one way used to control the formation of ozone. However due to the abundance of natural VOC emissions in North Carolina, reductions in nitrogen oxides are the driving factor in reducing ozone formation.

Thus, rule 15A NCAC 02D.0902, *Applicability*, defines the general applicability of various VOC rules in section 15A NCAC 02D.0900 in terms of thresholds, geographic extent and attainment status of a location relative to the ozone standard.

In July 2000, 15A NCAC 02D .0958, *Work Practices for Sources of Volatile Organic Compounds*, established requirements for certain work practices to apply to facilities using or manufacturing products containing VOCs for the purpose of minimizing or suppressing VOC evaporative losses. At the time, North Carolina was facing potential designation of multiple areas within the state as not attaining compliance with the 1997 ozone standard that was in effect at that time.

Since then North Carolina has achieved designation by EPA as meeting, or attaining the 1997 ozone standard except for the Charlotte area which was designated as nonattainment for 1997 ozone standard. Charlotte has now been redesignated as attainment but has a maintenance plan in effect as required by the antibacksliding provisions of the Clean Air Act. These provisions compel air pollution control requirements previously implemented in a nonattainment area prior to its redesignation to attainment, remain in place. The rule 15A NCAC 02D .0958 *Work Practices for Sources of Volatile Organic Compounds*, was implemented as part of the Reasonably

Available Control Technology or RACT requirements applicable to major sources of VOC prior to the area’s redesignation and has to remain in place in the Charlotte area. Now, since Rule 15A NCAC 02D .0958, *Work Practices for Sources of Volatile Organic Compounds*, is only required in the Charlotte maintenance area, it is proposed that paragraph (e)(9) of rule 15A NCAC 02D .0902, *Applicability*, be amended and applicability narrowed so that the work practices specified in 15A NCAC 02D .0958 apply only to the Charlotte maintenance area.

After the proposed amendments become effective, the requirements of the Rule 02D .0958 *Work Practices for Sources of Volatile Organic Compounds* will apply to the affected sources in the maintenance area for the 1997 8-hour ozone standard; however, facilities outside the maintenance area counties for the 1997 8-hour ozone standard would no longer be required to comply with the work practice standards in 02D .0958.

{ optional script if there are a large number of speakers }

[Hearing officer]: Optional Time Limit

Due to time constraints, speakers’ presentations will be limited to 3 minutes. It would be helpful if speakers would also submit a written statement by the close of the comment period for inclusion into the hearing record.

[Hearing officer]:

I will now take any comments that you may have.

[SPEAKERS]

[Hearing officer]:

Is there anyone else who would like to comment? If there are no more comments, then this hearing is closed. The hearing record will remain open until June 14, 2016, for additional written comments.

CHAPTER V

COMMENTS DURING THE COMMENT PERIOD

INDEX OF COMMENTERS

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Charles E Wilson	Forsyth County Environmental Assistance and Protection Board	V-11
Jamie Cole	NC Conservation Network • Clean Air Carolina	V-12

May 25, 2016

Division of Air Quality
NC Department of Environmental Quality

Public Hearing Re: 15a NCAC .02d .1010

My name is Laura Wenzel. I'm the manager of Medical Advocates for Healthy Air. We are concerned about repealing rule 15a NCAC .02d .1010 because of the health impacts of exposure to diesel exhaust. Diesel exhaust is a mixture of particulate matter and air toxics that is linked to lung cancer, asthma, stroke, dementia, irritation in the eyes, coughs, headaches and nausea. The World Health Organization has named particulate matter the greatest environmental cause of cancer, and there is no safe level of exposure.

There is no reason to idle heavy-duty vehicles that do not have ancillary processes like refrigeration. It wastes fuel and wears down the engine. Auxiliary power units, or APUs, can provide cab comfort without producing harmful emissions. Truck operators like APUs; in fact, the Triangle Clean Cities APU program was so successful, they had to extend it and to limit distribution.

Unfortunately, the idling restriction rule was undermined by the lack of a public awareness campaign and a prohibitively difficult reporting procedure that required logging into a website.

To protect the health of North Carolinians and avoid unnecessary health costs and lost productivity, while also saving money for truck operators, it would make more sense to keep this rule limiting idling time, make it easier to report violations and expand APU distribution. We will be submitting more extensive written comments in June. Thank you.

June 14, 2016

Ms. Joelle Burleson
N.C. Division of Air Quality
daq.publiccomments@ncdenr.gov

Public Comment Re: 15a NCAC .02d .1010, Heavy-Duty Vehicle Idling Restrictions

Dear Ms Burleson,

We are providing recommendations to protect public health in the rewriting of rule 15a NCAC .02d .1010. Diesel exhaust is a mixture of particulate matter and air toxics that is linked to myriad health problems across the lifespan. The World Health Organization has classified diesel engine exhaust as a carcinogen and has named particulate matter, a major component of diesel exhaust, as the greatest environmental cause of cancer. There is no safe level of exposure.

Diesel vehicles built in 2010 and later comply with EPA's Tier 4 standards for particulate matter filtration. Many vehicles built prior to 2010 are still on the road, however.

North Carolina is becoming home to an increasing number of elderly, due to both our aging population and new residents attracted to our long-term care facilities. Members of this population have a heightened response to particulate pollution and to ozone, to which diesel pollution contributes.

The particulates from diesel engines exacerbate childhood asthma, which is the leading medical cause of school absences. Recognizing this threat, in 2005, the N.C. General Assembly included provisions for reducing children's exposure to diesel pollution from school buses in the School Children's Health Act (House Bill 1502).

We recommend that the N.C. Division of Air Quality use every opportunity available in revising this rule to protect sensitive North Carolinians from exposure to diesel pollution. Some possible provisions include:

1. Maintain idling restrictions in areas where diesel particulate pollution is high. These include counties along interstate freeways, neighborhoods that contain truck routes, and areas with heavy concentrations of trucks, such as truck stops, warehouse districts and landfills.
2. Maintain idling restrictions for vehicles built prior to 2010.
3. Restrict idling when the AQI for ozone or particulate matter pollution is above 100.

4. Restrict idling near areas where there are sensitive populations. These include schools, hospitals, long-term care facilities, playgrounds, and residential areas. Provide signage and other education for drivers and residents of these communities.
5. Create an easy-to-use reporting mechanism for violations of existing idling restrictions.
6. Educate the general public about the need to protect vulnerable populations from exposure to diesel pollution, and about the existing idling restrictions and how to report violations.
7. Educate heavy-duty vehicle operators about the importance of protecting their own personal health from the impacts of particulate pollution exposure.
8. Encourage owners of on- and off-road heavy-duty diesel vehicles, as well as the State Department of Transportation, to invest in Auxiliary Power Units that will allow them to maintain cab comfort and vital functions when the vehicle is stopped.

Respectfully submitted,



Laura Wenzel, MSW
Medical Advocates for Healthy Air
Chapel Hill

Tom Vitaglione, MPH
NC Child
Raleigh

Bert Fields, MD
Greensboro

Jonathan Kotch, MD, MPH
Durham

Theresa Langston, RRT, RCP
Ahoskie

Zell McGee, MD
Chapel Hill

Fred Stanback
Salisbury

David Hill, MD, FAAP
Wilmington

Aaron Levy, DO
Charlotte

Jeff Walden, MD
Greensboro

Debbie Liener, MD
Greensboro

Manijeh Berenji, MD, MPH
Durham

Greg Kearney, DrPH, MPH
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Cathy Canepa, MD, MPH
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Janis Hammett, BSPH, PharmD, BCNSP
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Sara Lancaster
Pinetops

James Kenny, MD
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Christy Klaus, REHS
Raleigh

Robert Parr, DO
Wilmington

Steve Bruggeling, RCP
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Mary Joyce
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David Tayloe, MD
Goldsboro

Terry Lansdell
Charlotte

B. Grace Sullivan, Ph.D., PPCNP-BC
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Sharon Garbutt, MPH
Pittsboro

Charlotte Collins, JD
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Yi-Jun Lin, L.Ac., MSTOM, MS, RD/LDN
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Bridget Farrell, RN
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Kelly Picarsic
Charlotte

Lisa Johnson, RRT, RCP, BAS, AE-C
Greenville

Jeanine Sharpe, MSW
Greenville

Kathie Wilson
Chapel Hill

Zaytsev, Vladimir

From: Sharon Garbutt <sharongarbutt@earthlink.net>
Sent: Monday, May 23, 2016 11:55 PM
To: SVC_DENR.DAQ.publiccomments
Subject: May 5, 2016 Hearing: Repeal of 15A NCAC .02D .1010

Dear Ms. Burleson and EMC Commissioners,

Though I understand that the repeal of 15A NCAC .02D .1010 is directed by S.L. 2015-286, I would like to comment in order to suggest that restrictions on idling times for diesel trucks near frack sites would do much to reduce the exposure of citizens living in shale areas to toxic diesel air emissions.

This rule is of particular interest to me because I live in an area very close to the shale deposits in Chatham and Lee Counties. If fracking is undertaken then the idling of diesel trucks will become a serious issue for the citizens living in the areas being fracked. The NC DOT has estimated that a single well will require as many as 1600 truck deliveries. A single frack pad can have multiple wells—a pad with 8 wells will require as many as 12,800 truck trips. Many, if not most, of these trucks will be diesels. The trucks often move in slow convoys, clogging community streets and waiting in long lines at the frack sites.

Citizens living in areas being fracked have to deal with many issues, even though the majority of them receive few if any benefits from fracking. It is well documented that air quality near frack sites is diminished by the release of many air toxics. Toxic chemical spills on and near frack sites are well documented. Well contamination is well documented. Auto accidents involving trucks increase. Roads are destroyed. The list goes on and on...

I would like to ask if the EMC can recommend that idling of diesel trucks near frack sites be prohibited. This could reduce the exposure of citizens to the toxic emissions from the extraordinary number of diesel trucks that will converge on frack sites.

Thank you for your consideration,

Thelma Sharon Garbutt
Pittsboro, NC

Problems of Diesel

Health



Unlike the industrial pollutants released from smokestacks, diesel engine exhaust is emitted at ground level, where Americans breathe it every day—whether we walk, ride bicycles, drive cars, take the subway, or commute via train, ferry, or transit bus.

Diesel exhaust is comprised of microscopic carbon soot particles that act to absorb metals and other toxic substances in the exhaust. When inhaled by humans, these tiny, toxic-laden particles cross the blood barrier from lungs into the bloodstream, delivering the toxics to internal organs and leading to inflammation and cardiovascular and respiratory diseases such as cancer, stroke, and heart attacks. In fact, particulate pollution from diesel shortens

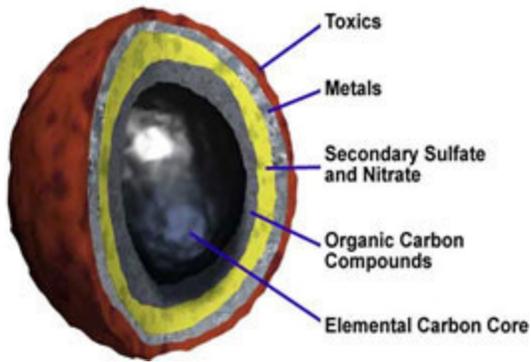
the lives of 21,000 people per year due to respiratory and cardiovascular disease, including about 3,000 from lung cancer. In addition, diesel takes its toll in cardiovascular disease with an estimated 27,000 heart attacks annually, and is responsible for approximately 400,000 asthma attacks a year. The nationwide diesel cancer risk is more than 200 times the one-in-one-million level that EPA considers acceptable. Diesel pollution also affects our nation's productivity, with more than two million work days a year estimated lost due to diesel pollution health effects. CATF project estimates that diesel fine particle pollution will account for approximately \$139 billion in monetized damages or losses in 2010.

Visit the [CATF map](#) to view diesel health risks in your community.



Neighborhoods near truck routes are routinely exposed to higher than normal levels of diesel exhaust.

Climate



Black carbon makes up the core of a diesel particle.

Black carbon, a component of diesel exhaust, is one of the largest contributing pollutants to global warming. Black carbon warms the atmosphere by absorbing sunlight and radiating heat into the air (like a blacktop road). Black carbon can also directly accelerate melting, by darkening snow and ice. As a global warming pollutant, black carbon is about 2,000 times more potent than the equivalent amount of CO₂ over a 20-year period. The United States has the highest per-capita emissions of black carbon in the world. More than half of U.S. black carbon emissions come from diesel engines – 41% from on-road diesels and 16% from off-road diesels.

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Clean Air Task Force 18 Tremont Street, Suite 530, Boston, MA 02108 | Phone: 617-624-0234 | Fax: 617-624-0230

All references to Taiwan on this website refer to Taiwan, China, consistent with the Joint Communiqué on the Establishment of Diplomatic Relations between the United States of America and the People's Republic of China, 1 January 1979.

Zaytsev, Vladimir

From: engineercharlie <engineercharlie@triad.rr.com>
Sent: Wednesday, April 20, 2016 2:29 PM
To: Burleson, Joelle
Subject: Rules 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions and 15A NCAC 02D .0958, Work Practices for Sources of Volatile Organic Compounds

Charles E Wilson
1177 Edgebrook Drive
Winston Salem NC 27106-3308
336 923 5053
engineercharlie@triad.rr.com

TO:
Joelle Burleson
at Joelle.Burleson@ncdenr.gov
SUBJ:
Rules 15A NCAC 02D .1010, Heavy-Duty Vehicle Idling Restrictions and 15A NCAC 02D .0958, Work Practices for Sources of Volatile Organic Compounds

Air quality is a quality-of-life issue to all of us and a life or death issue to some. I wish to state my opposition to repeal or relaxation of these standards intended to protect air quality.

Sincerely

Charles E Wilson

Member, Forsyth County Environmental Assistance and Protection Board

NC Conservation Network • Clean Air Carolina

Ms. Joelle Burleson
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

June 14, 2016

Re: Comments on the repeal of 15A NCAC 02D .1010, Heavy Duty Vehicle Idling Restrictions

Dear Ms. Burleson,

Thank you for the opportunity to comment on the repeal of 15A NCAC 02D .1010, Heavy Duty Vehicle Idling Restrictions. The NC Conservation Network (NCCN) is a state-level advocacy group working in partnership with 70 affiliate organizations and over 130,000 supporters to protect public health and the environment across North Carolina. This letter focuses specifically on the repeal of 15A NCAC 02D .1010, which removes idling restrictions from heavy-duty trucks, both gasoline and diesel. We urge the Environmental Management Commission (EMC) to acknowledge that the repeal of this rule by the North Carolina Legislature in 2015 was ill advised and poor policy that has local environmental justice implications, disproportionately impacting people—especially children of color.

In 2008, the United States Environmental Protection Agency (EPA) strengthened ozone concentration standards. As a result, several North Carolina cities were at risk of designation as a nonattainment area for ozone. By 2010, the Environmental Management Commission (EMC) adopted regulations restricting idling of heavy duty vehicles in an attempt to lower emissions. The rule was originally created to reduce ground level ozone, nitrogen oxide (NOx), and particulate emissions from heavy duty truck through prohibiting unnecessary idling. We urge the EMC to maintain restrictions on unnecessary heavy duty truck idling, as NOx and particulate emissions are serious environmental pollutants that affect the quality of life of millions of North Carolina residents.

According to the EPA, idling trucks release soot, particulate matter, hydrocarbons, carbon monoxide, and NOx. This air pollution is carcinogenic and contributes to a range of heart and lung diseases, damages plants, and contaminates water resources. NOx particularly contributes to the production of smog and acid rain.¹ The EMC should recognize that repealing 15A NCAC 02D .1010 threatens vulnerable North Carolinians, especially young children and the elderly.

Young children have a higher breathing rate than adults, therefore, children are more vulnerable to air pollutants released from diesel engines. Particulate matter is an aggravating factor for children with

¹Third Report to Congress: Highlights from the Diesel Emission Reduction Program, 9, Mar. 22, 2016, <https://www.epa.gov/sites/production/files/2016-03/documents/420r16004.pdf>.

asthma. Ozone exposure can lead to more frequent asthma attacks resulting in lost school days, emergency room visits, and additional medications. Diesel exhaust from idling engines can also be sucked into air intake systems of daycare facilities, nursing homes, and hospitals.

The proposed repeal poses a potential environmental justice problem. According to the EPA, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. While all children are a high risk population in reference to diesel emissions, research by the Centers for Disease Control and Prevention (CDC) shows that asthma prevalence is highest among black and multiracial persons, and even higher among children.² Therefore, any regulations that increase asthma exacerbating pollution will have a disproportionate effect on people of color and especially children of color. In fact, the EPA's draft EJ2020 study specifically calls out diesel truck emissions as a priority environmental injustice that the federal agency will address over the next four years.³ Thus, the proposed repeal constitutes an environmental injustice, and moves against the grain of national efforts.

Arguments for repealing heavy-duty idling restrictions include North Carolina's current lack of any ozone and particulate emission nonattainment areas. North Carolina achieved attainment for all National Ambient Air Quality Standards (NAAQS) *because* of protective regulations like the idling restrictions. The cumulative impact of many small provisions that place reasonable controls on pollution allows North Carolina to remain within attainment. The EPA attributed the reduction of ozone pollutants in the Charlotte-Rock Hill area to "numerous measures implemented" during the period used to determine attainment. Those measures included heavy-duty gasoline and diesel highway vehicle standards and medium and heavy duty vehicle fuel consumption and GHG standards.⁴ It is reasonable for the EMC to assume that heavy duty idling restrictions, just as other on-road regulations referenced by EPA, are at least minimally attributable to the reduction in NOx in the Charlotte-Rock Hill area.

The EPA approved the Charlotte-Rock Hill Maintenance Plan for 2008 8-Hr Ozone NAAQS, in part, because it determined the area complied with Clean Air Act requirements - that the improvement in air quality leading to the attainment designation must be reasonably attributable to permanent and enforceable reductions in emissions.⁵ The Charlotte area has already seen Ozone exceedances this year since the EPA 1) strengthened the standard for ozone from 75 ppb to 70 ppb and 2) approved North Carolina's State Implementation Plan for ozone attainment. With Charlotte area exceedances in mind, we ask the EMC to consider the signal this rule repeal must send to the EPA and the potential ramifications of taking environmental protection backward.

Beyond the impacts to ambient air quality, the EMC should also keep some form of idling restriction on the books as to protect the health of members of the public who reside and work in the immediate vicinity of travel plazas, where significant numbers of heavy duty trucks congregate and can idle for

² Data, Stat., and Surveillance, Ctr. for Disease Control and Prevention, May 1, 2016, <http://www.cdc.gov/asthma/asthmadata.htm>.

³ U.S. Env't. Prot. Agency, Office of Env't. Justice, Draft EJ 2020 Action Agenda – Env't. Justice Strategic Plan 2016-2020 (2016).

⁴ 40 C.F.R. Parts 52 and 81 (2015).

⁵ 42 U.S.C. §107(d)(3)(E)(iii) (1970).

hours. To be clear, the EMC has authority to address the localized threat to public health, independent of its authority to implement federal Clean Air Act standards, see NCGS § 143-215.107(b). No evidence in the record suggests that the repeal will not degrade air quality in specific locations; the evidence is all geared to maintenance of ambient air quality standards as projected in regional models. That is a constricted understanding of the EMC's authority and responsibility to protect public health under state law.

Some have suggested that the rule will not be missed, as few complaints of over-idling were reported while the law was in effect. On the other hand, it is worth remembering that many people – including, we suspect, many long haul truck drivers – conscientiously obey rules even when enforcement is lax. Perhaps there were few complaints because the public was ill-educated about complaint procedures. Many do not know that a forum for complaint even exists. Instead of repealing the law, a greater effort should be made to educate neighbors around travel plazas about their right to complain, and how a complaint can be made.

Thank you for the opportunity to comment on the repeal of Heavy Duty Vehicle Idling Restrictions. We understand that the EMC's hands are effectively tied when it relates to the repeal of these idling restrictions. We call on the Commission to actively acknowledge the short sighted policy decision of the NC Legislature when they voted to repeal this rule and the irreversible impacts such a repeal could have on North Carolina's ambient air quality, communities of color and specifically children of color. We urge the EMC to use its authority to implement Clean Air Act Standards to remedy the gap the NC Legislature has left.

Thank you,

Jamie Cole, Policy Advocate
NC Conservation Network

Terry Lansdell, Program Director
Clean Air Carolina

Amanda Bost, Legal Intern
NC Conservation Network

CHAPTER VI
INDEX OF ATTACHMENTS

ATTACHMENTS

PAGE

2. Session Law 2015-286, Section 4.24, Effective Date:
the 22th day of October, 2015

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cluster box units whereupon the associated built-upon area supporting the cluster box units shall be considered incidental and shall not be required in the calculation of built-upon area for the development for stormwater permitting purposes.

"SECTION 46.(b) This section is effective when this act becomes law and expires on December 31, ~~2015~~, 2017, or when regulations on cluster box design and placement by the United States Postal Service become effective and those regulations are adopted by local governments, whichever is earlier."

STUDY EXEMPTING LINEAR UTILITY PROJECTS FROM CERTAIN ENVIRONMENTAL REGULATIONS

SECTION 4.21. The Department of Environment and Natural Resources shall study whether and to what extent activities related to the construction, maintenance, and removal of linear utility projects should be exempt from certain environmental regulations. For purposes of this section, "linear utility project" means an electric power line, water line, sewage line, stormwater drainage line, telephone line, cable television line, data transmission line, communications-related line, or natural gas pipeline. For purposes of this section, "environmental regulation" means a regulation established or implemented by any of the following:

- (1) The Department of Environment and Natural Resources created pursuant to G.S. 143B-279.1.
- (2) The Environmental Management Commission created pursuant to G.S. 143B-282.
- (3) The Coastal Resources Commission established pursuant to G.S. 113A-104.
- (4) The Marine Fisheries Commission created pursuant to G.S. 143B-289.51.
- (5) The Wildlife Resources Commission created pursuant to G.S. 143-240.
- (6) The Commission for Public Health created pursuant to G.S. 130A-29.
- (7) The Sedimentation Control Commission created pursuant to G.S. 143B-298.
- (8) The North Carolina Mining and Energy Commission created pursuant to G.S. 143B-293.1.
- (9) The North Carolina Oil and Gas Commission created pursuant to G.S. 143B-293.1.

No later than March 1, 2016, the Department shall report the results of this study, including any recommendations, to the Environmental Review Commission.

REPEAL DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IDLING RULES

SECTION 4.24. The Secretary of Environment and Natural Resources shall repeal 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions) on or before March 1, 2016. Until the effective date of the repeal of the rule required pursuant to this section, the Secretary, the Department of Environment and Natural Resources, the Environmental Management Commission, or any other political subdivision of the State shall not implement or enforce 15A NCAC 02D .1010 (Heavy-Duty Vehicle Idling Restrictions).

AMBIENT AIR MONITORING

SECTION 4.25.(a) The Department of Environment and Natural Resources shall review its ambient air monitoring network and, in the next annual monitoring network plan submitted to the United States Environmental Protection Agency, shall request the removal of any ambient air monitors that are not required by applicable federal laws and regulations and that the Department has determined are not necessary to protect public health, safety, and welfare; the environment; and natural resources.

SECTION 4.25.(b) No later than September 1, 2016, the Department of Environment and Natural Resources shall discontinue all ambient air monitors not required by applicable federal laws and regulations if approval from the United States Environmental Protection Agency is not required for the discontinuance and the Department has determined that the monitors are not necessary to protect public health, safety, and welfare; the environment; and natural resources.

SECTION 4.25.(c) Nothing in this section is intended to prevent the Department from installing temporary ambient air monitors as part of an investigation of a suspected

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Chapter VII

The following documentation of filing and notification is incorporated as part of this hearing record and is maintained on file:

1. ENR 101 Internal Approval Form.
2. Submission for Notice Form and material submitted to the Office of Administrative Hearings.
3. The public notice as it appears in *The North Carolina Register* Volume 30, Issue 20, pages 2136-2139.
4. Memorandum transmitting hearing notice and proposal to regional offices for public inspection.
5. Memorandum transmitting hearing notice and proposal to local programs.
6. Submission of Filing Forms and material filed with Office of Administrative Hearings.
7. Executive Order No. 70 Certification Form
8. Letter notifying EPA of hearing.
9. Letter transmitting hearing record to EPA.

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