

Agenda Item: 15-11 **Request for 30 day Waiver and to Proceed to Hearing on Revisions to Reflect S.L. 2014-120 Repeal of Source Reduction and Recycling Report Requirement (530)**

Explanation:

The Environmental Management Commission (EMC) is requested to approve one or more public hearings to consider rule amendments to reflect repeal of the source reduction and recycling reporting requirement. Session Law 2014-120 included provisions repealing these reporting requirements.

The existing rules contain language requiring permitted sources to submit a written description of current and projected plans to reduce air contaminant emissions by source reduction and recycling. The description shall include:

- for an existing facility, a summary of activities related to source reduction and recycling and a quantification of emissions reduced and material recycled during the previous year and a summary of plans for further source reduction and recycling, or
- for a new facility, a summary of activities related to and plans for source reduction and recycling.

Three rules contain the reporting requirements for source reduction and recycling, as follow:

- 15A NCAC 02Q .0206, Payment of Fees, is proposed for amendment to repeal the requirement that permit holders report their plans for source reduction and recycling along with the annual permit fee payment.
- 15A NCAC 02Q .0304, Applications, is proposed for amendment to repeal the requirement that non-Title V permit holders report their plans for source reduction and recycling along with the permit application.
- 15A NCAC 02Q .0507, Application, is proposed for amendment to repeal the requirement that Title V permit holders report their plans for source reduction and recycling along with the permit application.

The intent of the reporting requirement in the three rules above was to encourage facilities to consider source reduction and recycling as a means of pollution prevention. Now many secondary materials have enough value to make recycling worthwhile without government intervention. Instead of facilities reporting information to the State, the NC Department of Environment and Natural Resources has developed web sites to help connect those that produce recyclable materials and fuels with matching collectors, processors, and end users. The DAQ began implementing the provisions of the statutory repeal when it became effective on September 18, 2014 by discontinuing the requirement for permit holders to report their source reduction and recycling plans.

The Office of State Budget and Management (OSBM) reviewed an analysis for the proposed amendments to Rules 15A NCAC 02Q .0206, .0304, and .0507 in accordance with G.S. 150B-19.1, 150B-21.4, and E.O. 70. The analysis for the amendments was reviewed and determined by OSBM not to require a fiscal note

on January 26, 2015.

Recommendation:

The Director recommends that the Commission approve the waiver and the proposed rule amendments along with authorizing a public hearing(s) on these items and that the Chairman appoint a member(s) of the Commission to serve as hearing officer(s).