

Agenda Item: 17-39 **Request for Approval of Hearing Officer's Report on the Ambient Air Quality Standards to Incorporate the 2015 Ozone National Ambient Air Quality Standards (534)**

Explanation:

A public hearing was held in Charlotte, North Carolina, on August 3, 2017 for Rule 15A NCAC 02D .0405, Ozone. Mr. Gerard P. Carroll, Environmental Management Commissioner, was appointed and acted as the hearing officer during the hearing.

The proposed changes to Rule 15A NCAC 02D .0405, Ozone, are necessary to reflect the national ambient air quality standards (NAAQS) for ozone. The rule is also proposed for readoption pursuant to S.L. 2013-413.

The United States Environmental Protection Agency (USEPA) strengthened its NAAQS for ozone, also known as O₃, on October 1, 2015 (80 FR 65291). These revisions are the result of USEPA's five-year periodic review of NAAQS as required by the Clean Air Act. USEPA revised the primary and secondary ozone standards from 0.075 ppm, set in 2008, to 0.070 ppm, while retaining the indicators (O₃), forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). The monitoring season for ozone has also been expanded by one month to ensure compliance with the 2008 and 2015 ozone standards, and to ensure citizens are alerted when ozone reaches levels of concern. The monitoring season changes are effective as of January 1, 2017.

A fiscal note was submitted to the Office of State Budget and Management (OSBM). OSBM reviewed the Division of Air Quality's proposed changes to Rule 15A NCAC 02D .0405, Ozone, in accordance with G.S. 150B-21.4. OSBM determined the rule changes have minimal state, unlikely private sector, and no substantial or local impacts. A copy of the approved fiscal note is available in Chapter VI of the hearing record.

Two comments were received on the proposed rule during the comment period. The USEPA commented that they reviewed the proposed rule in the prehearing package and did not offer other comments. Clean Air Carolina commented in support of strengthening the ozone NAAQS to mirror the federal standard. No changes were made to the proposed rule as presented in Chapter IV of the hearing record based on the comments received during the hearing.

Recommendation:

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