

**Agenda Item: 15-24 Hearing Officer's Report on Revisions to Reflect S.L. 2014-120
Repeal of Source Reduction and Recycling Reporting
Requirement (530)**

Explanation:

A public hearing was held in Raleigh, NC on June 9, 2015, to take public comments on the source reduction and recycling reporting rules. Mr. Ray Stewart of the Division of Air Quality was appointed and acted as the hearing officer for this hearing. The comment period closed June 15, 2015.

The current reporting requirement in rules 15A NCAC 02Q Sections .0200 - Permit Fees, .0300 - Construction and Operating Permits, and .0500 - Title V Procedures specifies that sources submit a written description of their current and projected plans to reduce emissions of air contaminants by source reduction and recycling with their air permit applications. Now many used materials have enough value making it worthwhile to recycle without government intervention. Instead of facilities reporting information, the Department of Environment and Natural Resources has developed web sites to help connect those that produce recyclable material with collectors, processors, and end users of recyclable materials.

At the conclusion of the 2014 legislative session, the General Assembly enacted S.L. 2014-120, An Act to Provide Further Regulatory Relief to the Citizens of North Carolina by Providing for Various Administrative Reforms, by Eliminating Certain Unnecessary or Outdated Statutes and Regulations and Modernizing or Simplifying Cumbersome or Outdated Regulations and by Making Various Other Statutory Changes (Regulatory Reform Act of 2014). Section 38(c) of the Session Law repealed G.S. 143-215.108(g) which was the underlying requirement that sources submit a written description of their plans for source reduction and recycling. This requirement was determined to be unnecessary and its repeal reduces burden on permit applicants.

Rules 15A NCAC 02Q .0206, Payment of Fees, .0304, Applications, and .0507, Application, need to be amended to reflect the session law repeal of the requirement.

The Division of Air Quality completed a regulatory impact analysis per the requirements of the Administrative Procedures Act (APA). The analysis was reviewed by the Office of State Management and Budget (OSBM) and determined not to require a fiscal note. The rule amendments do not cause substantial economic impacts as defined in the APA in N.C.G.S. 150B-21.4(b1), and have little to no impact on state or local governments.

No public comments were received during the comment period.

Recommendation:

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