

Agenda Item: 09-13 **Hearing Officer's Report on Amendments to the Annual Emissions Reporting Rule to add Greenhouse Gases**

Explanation:

On October 28, 2008 Ms. Marion Deerhake and Mr. Steven Weber held a hearing on amendments to the Annual Emissions Reporting Rule for major stationary (point) sources. North Carolina Air Toxics Rules. **15A NCAC 02Q .0207** – Annual Emissions Reporting, is proposed for amendment to add greenhouse gases (GHGs) to the list of compounds that shall be reported annually by major (also known as Title V) point sources. The list was also amended to reflect the complete list of air contaminants that Title V sources have been reporting for years.

During the comment period, the Division of Air Quality received 4 sets of written comments and 2 oral comments at the public hearing. There were several questions in those comments regarding the authority of the EMC to require reporting of GHGs. The EMC has the authority to require the submission of data from permitted sources regarding a compound that is an air contaminant.

Additionally, comments were received suggesting the EMC await further action and authority by the Legislature. However, there is no need for the EMC to await further action by the Legislature when the Legislature already has authorized the collection of this information.

A clarifying comment was made noting that paragraph (e) in the amended rule was no longer necessary. The commenter is correct. The language in paragraph (e) is deleted.

Additional comments and responses regarding the authority of the EMC to collect such information are included in Chapter 1 of the Hearing Record.

Upon consideration of the public comments, the Hearing Officers' conclusion is to proceed with the amendments to the Annual Emissions Reporting Rule.

Recommendation:

The Hearing Officers recommend that the Environmental Management Commission approve the proposed rules presented in Chapter II of this hearing record.