

15A NCAC 02Q Air Quality Permit Procedures

15A NCAC 02Q .0101 REQUIRED AIR QUALITY PERMITS

Commenter Name: Elbert HAMRICK

Email: bigwoodman@charter.net

Zip: 28326

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Necessary without substantive public interest

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: First of all a person should have to obtain a permit anytime they open burn. Second they should only be permitted to open burn 2 times a yr. Third if they are a nuisance to there neighbor they should not be allowed to burn at all.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

15A NCAC 02Q .0113 NOTIFICATION IN AREAS WITHOUT ZONING

Commenter Name: Not Available

Company/Organization: Not Available

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Complicated – This bureaucratic exercise is prone to error. Signs frequently do not conform to the exacting requirements of the rule. This is hard to enforce and often goes unnoticed. This could cause vulnerability to lawsuits even years after the permit is issued.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – This process creates an initial hurdle that requires extra time and capital and could derail the creation of jobs before the permit can even be issued.

Usurping – This process creates pseudo-zoning requirements, thereby usurping municipal authority.

Contestable – The regulatory authority cited is G.S. 143-215.108. No reference to areas without zoning can be found in this statute. Furthermore, this statute existed for over a decade without anyone finding authority over areas without zoning.

Costly – The cost of a public notice often exceeds the fee collected to do an engineering review of the application.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

15A NCAC 02Q .0304 APPLICATIONS

Commenter Name: Not Available

Company/Organization: Not Available

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: This objection is to the necessity of (b)(1) and (2) only.

(b)(1) Areas with zoning

Complicated – This bureaucratic paperwork exercise is one of the more complicated aspects of filing a permit application. It is easy to make a mistake. Some mistakes have no significant bearing on the permit application but can destroy the chances for creating new jobs none-the-less.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Irrelevant – Failure to follow zoning will still result in the issuance of a permit.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – A particularly expeditious permit that would otherwise be issued must wait for 15 days to hear from the municipality, even though it will be issued no matter what that response is.

(b)(2) Areas without zoning

Complicated – This bureaucratic exercise is prone to error. Signs frequently do not conform to the exacting requirements of the rule. This is hard to enforce and often goes unnoticed. This could cause vulnerability to lawsuits even years after the permit is issued.

Unnecessary – All applications are posted on the DAQ website and some are noticed in the paper. Technology has obviated the need for such measures.

Unique – No other division, to the best of my knowledge, has similar requirements.

Protracting – This process creates an initial hurdle that requires extra time and capital and could derail the creation of jobs before the permit can even be issued.

Usurping – This process creates pseudo-zoning requirements, thereby usurping municipal authority.

Contestable – The regulatory authority cited is G.S. 143-215.108. No reference to areas without zoning can be found in this statute. Furthermore, this statute existed for over a decade without anyone finding authority over areas without zoning.

Costly – The cost of a public notice often exceeds the fee collected to do an engineering review of the application.

Agency Response:

The agency's selected determination is "necessary with substantive public interest." Comments will be considered during the readoption process.

General Comments on 15A NCAC Chapter 02Q

Commenter Name: Allen Hardison

Company/Organization: Joyce Engineering, Inc./North Carolina Chapter of the National Waste and Recycling Association

Comment received in email:

I hope you are doing well. I was pleased to meet you at the EMC committee meetings a few weeks back. As I indicated at the time and in emails, I am working with Joyce Engineering, Inc. on a project for the North Carolina chapter of the National Waste and Recycling Association to monitor and provide assistance in the Periodic Review of Existing Rules.

The legislative committee of the chapter, that also deals with administrative rules and other regulatory issues, has reviewed the categories of the 15 NCAC 02D and 15 NCAC 02Q rules as published on the Office of Administrative Hearings' website. We concur with the categorizations of the rules as presented.

We look forward to a continued engagement with the Division as the rules move forward to the re-adoption stage.

Agency Response:

The agency has no selected determination for general comments. Comments will be considered during Commission discussion related to the rule readoption process.