

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE DRH70775-LD-165A (05/09)

Short Title: Disapprove Air Rule/Older Plants' Emissions. (Public)

Sponsors: Representative Gibson.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO DISAPPROVE A RULE ADOPTED BY THE ENVIRONMENTAL
3 MANAGEMENT COMMISSION REGARDING THE PREVENTION OF
4 SIGNIFICANT DETERIORATION OF AIR QUALITY AND ALLOW ITS
5 READOPTION AS A TEMPORARY RULE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Pursuant to G.S. 150B-21.3(b), 15A NCAC 02D .0530
8 (Prevention of Significant Deterioration), as adopted by the Environmental Management
9 Commission on February 10, 2005, and as approved by the Rules Review Commission
10 on April 21, 2005, is disapproved. The Environmental Management Commission may
11 adopt, pursuant to G.S. 150B-21.1 and consistent with G.S. 143-215.107, 143-215.108,
12 and 143B-282, a temporary rule that incorporates the amendments to 15A NCAC 02D
13 .0530 that are disapproved by this act, provided that the temporary and permanent rule
14 specify that the determination of "baseline actual emissions" for an emissions unit made
15 under 15A NCAC 02D .0530(b)(1) as adopted in these temporary and permanent rules
16 shall apply only to permit applications for those units submitted after the effective date
17 of those temporary rules, but shall not apply to permit applications for those units
18 submitted before the effective date of those temporary rules, which shall be governed by
19 the provisions of 15A NCAC 02D .0530(b)(1) in effect prior to February 10, 2005.

20 **SECTION 2.** This act is effective when it becomes law.