

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 865**

Short Title: No State Regulation of Toxic Title V Sources. (Public)

Sponsors: Senators Hoyle; and Jenkins.

Referred to: Agriculture/Environment/Natural Resources.

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO REMOVE HAZARDOUS TITLE V SOURCES OF AIR POLLUTION FROM  
3 STATE REGULATION, WHICH APPLIES HEALTH-BASED AIR QUALITY  
4 STANDARDS, TO THE END THAT THESE HAZARDOUS TITLE V SOURCES WILL  
5 BE SUBJECT TO REGULATION UNDER ONLY THE FEDERAL CLEAN AIR ACT,  
6 WHICH APPLIES MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY  
7 STANDARDS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 143-215.107(a) reads as rewritten:

10 "(a) Duty to Adopt Plans, Standards, etc. – The Commission is hereby directed and  
11 empowered, as rapidly as possible within the limits of funds and facilities available to it, and  
12 subject to the procedural requirements of this Article and Article 21:

13 ...

14 (5) To develop and adopt emission control standards as in the judgment of the  
15 Commission may be necessary to prohibit, abate, or control air pollution  
16 commensurate with established air quality standards. This subdivision does  
17 not apply to ~~that portion of the National Emission Standards for Hazardous~~  
18 ~~Air Pollutants for asbestos that governs demolition and renovation as set out~~  
19 ~~in 40 C.F.R. § 61.141, 61.145, 61.150, and 61.154 (1 July 1993 edition); any~~  
20 air emission source subject to hazardous air pollutant emission standards  
21 under 40 C.F.R. Pts. 61 and 63.

22 ...."

23 **SECTION 2.** This act becomes effective July 1, 2009.

