

Agenda Item: Withdrawal of Amendments to the Municipal Waste Combustor Rules

Rule Titles: Large Municipal Waste Combustors (02D .1205) and Small Municipal Waste Combustors (02D .1212)

Reason for Action: Division of Air Quality (DAQ) staff recommends withdrawal of the Municipal Waste Combustor Rules in 15A NCAC 02D .1205 and .1212 that were approved by the EMC on 3/12/09. A series of changes, improvements and corrections have occurred since the close of the public comment period on these rules. Those were documented and approved by the EMC on 11/13/08 and 3/12/09. However, additional changes/improvements/corrections are necessary. While none of these individual changes are significant, the full suite of changes that have occurred since the original public comment period may be perceived as significant. Therefore, DAQ recommends that the rule-making process start over for these 2 rules. It should be noted that these rules are not impacted by any Federal timeline constraints. DAQ recommends proceeding on the following schedule:

- Draft rules to AQC 7/8/09
- Request to proceed to hearing 9/10/09
- Public comment period begins 10/15/09
- Public hearing November 2009
- Public comment period ends 12/14/09
- Hearing Record to EMC March 2010
- RRC April 2010
- Rule Effective 5/1/10

Action Requested: EMC vote to withdraw the Municipal Waste Combustor Rules (02D .1205 and .1212) that were approved on 3/12/09.