



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 303: Protect Safety/Well-Being of NC Citizens

2015-2016 General Assembly

Committee:	Senate Re-ref to Agriculture/Environment/Natural Resources. If fav, re-ref to Judiciary I	Date:	April 22, 2015
Introduced by:	Sens. Barefoot, J. Davis, Hise	Prepared by:	Jennifer Mundt Committee Staff
Analysis of:	PCS to First Edition S303-CSTA-3 [v.6]		

SUMMARY: Senate Bill 303 would prohibit the Environmental Management Commission and the Department of Environment and Natural Resources from issuing rules to implement federal standards for wood heaters and for fuel combustion that is used directly or indirectly to provide heat or hot water to a residence or a business.

The Proposed Committee Substitute (PCS) would also amend the process by which the Environmental Management Commission adopts federal air quality standards by requiring the Commission to affirmatively adopt rules promulgated by the United States Environmental Protection Agency (USEPA).

CURRENT LAW and BILL ANALYSIS:

Section 1: Pursuant to G.S. 143-215.107, the Environmental Management Commission (EMC) is empowered to develop and adopt standards and plans necessary to implement the requirements of the federal Clean Air Act and regulations adopted by the USEPA. **Section 1** of the PCS would provide for the following two exceptions to the EMC's authority to develop and adopt standards and plans to implement federal air quality standards by prohibiting the EMC and the Department of Environment and Natural Resources (DENR) from:

1. Issuing rules to implement regulations adopted by the USEPA after May 1, 2014, to limit emissions from wood heaters or enforce against a manufacturer, distributor, or consumer of a wood heater subject to federal regulation. "Wood heater" is defined by this section to mean: a fireplace, wood stove, pellet stove, wood-fired hydronic heater, wood-burning forced-air furnace, or masonry wood heater or other similar appliance designed for heating a residence or business or for heating water for use by a residence through the combustion of wood or products substantially composed of wood.
2. Enforcing any federal air emissions standard adopted by the USEPA for the regulation of fuel combustion that is used directly or indirectly to provide hot water or comfort heating to a residence or a comfort heating to a business.

Sections 2 through 4: The State's rules for air pollution control are found in [Subchapter 02D of Title 15A of the North Carolina Administrative Code](#). Under current rules regulating national emissions standards for hazardous air pollutants, maximum achievable control technology, and new source performance standards (15A NCAC 02D .1110, .1111, and .0524, respectively) the Director of the Division of Air Quality in DENR must state whether a proposed federal standard should be enforced. If

O. Walker Reagan
Director



Research Division
(919) 733-2578

Senate Bill 303

Page 2

the EMC does not act to exclude or amend a proposed federal standard within 12 months of the proposal being properly noticed, the Director must automatically begin enforcing the proposed standard.

Sections 2 through 4 of the PCS would modify the implementation of the State's air pollution control rules for national emissions standards for hazardous air pollutants, maximum achievable control technology, and new source performance standards (15A NCAC 02D .1110, .1111, and .0524, respectively) to establish a new process by which proposed federal standards are adopted into the Administrative Code. Instead of automatically enforcing new federal standards, the PCS would prohibit the EMC from adopting new standards except by a three-fifths vote of the Commission, to include the new standards in the Administrative Code. Standards adopted according to this process would then be subject to legislative review.

Section 5 of the PCS would prohibit the EMC from enforcing previously adopted federal national emissions standards for hazardous air pollutants, maximum achievable control technology, and new source performance standards until the EMC readopts the standards using the process outlined above.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: On March 16, 2015, the USEPA promulgated final rules for [Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces](#). According to the USEPA, these rules strengthen the emissions standards (which were last updated in 1998) for new wood stoves and establish emissions standards for several types of previously unregulated new wood heaters including outdoor and indoor wood-burning forced air furnaces. The federal standards only apply to new heaters and new stoves and do not affect existing wood stoves or other wood-burning heaters currently in use in people's homes. The rules also do not apply to new or existing heaters that are fueled solely by oil, gas, or coal and would not apply to indoor or outdoor fireplaces, fire pits, pizza ovens, barbeques or chimineas.