

**Agenda Item:** 11-22 **Hearing Officer’s Report on Amendments to the National Ambient Air Quality Standards for Sulfur Dioxide (SO2) and Nitrogen Dioxide (NO2)**

**Explanation:** On May 4, 2011, Mayor Darryl Moss held a hearing on amendments to the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide and nitrogen dioxide.

Rule 15A NCAC 02D .0402, Sulfur Oxides, is proposed for amendment to reflect changes to the NAAQS for sulfur dioxide.

The US Environmental Protection Agency (EPA) strengthened the primary NAAQS for sulfur dioxide (SO<sub>2</sub>) on June 2, 2010 by establishing a new 1-hour standard at a level of 75 ppb. The EPA’s evaluation of the scientific information and the risks posed by breathing SO<sub>2</sub> indicate that this new 1-hour standard will protect public health by reducing people’s exposure to high short-term (5-minutes to 24-hours) concentrations of SO<sub>2</sub>. The EPA also revoked the two existing primary standards of 140 ppb evaluated over 24-hours and 30 ppb evaluated over an entire year because they will not provide additional public health protection given a 1-hour standard at 75 ppb. The existing 24-hour and annual standards will remain in effect until one year after the effective date of initial designations under Section 107(d) of the Clean Air Act. Amendments to 15A NCAC 02D .0402 are necessary to reflect the federal rule change.

Rule 15A NCAC 02D .0407, Nitrogen Dioxide, is proposed for amendment to reflect changes to the NAAQS for nitrogen dioxide.

The EPA strengthened its NAAQS for nitrogen dioxide on January 22, 2010. The EPA set a new 1-hour NO<sub>2</sub> standard at the level of 100 parts per billion (ppb). The EPA also set a new form for the standard. The form for the 1-hour NO<sub>2</sub> standard is the 3-year average of the 98th percentile of the annual distribution of daily maximum 1-hour average concentrations. The EPA also retained the current annual average NO<sub>2</sub> standard of 53 ppb. Amendments to 15A NCAC 02D .0407 are necessary to reflect the federal rule change.

No one commented at the hearing. The only comment received was a letter stating that US EPA Region 4 completed review of the submittal and has no comments at this time.

**Recommendation:** The Hearing Officers recommend that the Commission adopt the proposed rules as presented in Chapter II of the hearing record.