

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45107-MH-79 (03/09)

Short Title: Protect Safety/Well-Being of NC Citizens. (Public)

Sponsors: Senators Barefoot, J. Davis, and Hise (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE SAFETY AND WELL-BEING OF CITIZENS FROM
3 REGULATORY OVERREACH BY PROHIBITING THE ENVIRONMENTAL
4 MANAGEMENT COMMISSION AND THE DEPARTMENT OF ENVIRONMENT
5 AND NATURAL RESOURCES FROM ISSUING RULES IMPLEMENTING FEDERAL
6 STANDARDS FOR WOOD HEATERS OR ENFORCING SUCH RULES, AND BY
7 FORBIDDING THE COMMISSION AND THE DEPARTMENT FROM ENFORCING
8 AIR EMISSIONS STANDARDS LIMITING FUEL SOURCES PROVIDING HEAT OR
9 HOT WATER TO A RESIDENCE OR BUSINESS.

10 The General Assembly of North Carolina enacts:

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

12 "**§ 143-215.107. Air quality standards and classifications.**

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

16 ...

17 (10) ~~To~~ Except as provided in subsections (h) and (i) of this section, to develop
18 and adopt standards and plans necessary to implement requirements of the
19 federal Clean Air Act and implementing regulations adopted by the United
20 States Environmental Protection Agency.

21 ...

22 (h) With respect to any regulation adopted by the United States Environmental
23 Protection Agency limiting emissions from wood heaters and adopted after May 1, 2014,
24 neither the Commission nor the Department shall do any of the following:

25 (1) Issue rules limiting emissions from wood heaters to implement the federal
26 regulations described in this subsection.

27 (2) Enforce against a manufacturer, distributor, or consumer the federal
28 regulations described in this subsection.

29 (i) Neither the Commission nor the Department shall enforce any federal air emissions
30 standard adopted after May 1, 2014, that would jeopardize the health, safety, or economic
31 well-being of a citizen of this State through the regulation of fuel combustion that is used
32 directly or indirectly to provide (i) hot water or comfort heating to a residence or (ii) comfort
33 heating to a business."

34 **SECTION 1.(b)** G.S. 143-213 is amended by adding a new subdivision to read:

35 "(31) "Wood heater" means a fireplace, wood stove, pellet stove, wood-fired
36 hydronic heater, wood-burning forced-air furnace, or masonry wood heater



1 or other similar appliance designed for heating a residence or business or for
2 heating water for use by a residence through the combustion of wood or
3 products substantially composed of wood."

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