

# State of North Carolina



BEVERLY EAVES PERDUE  
GOVERNOR

## EXECUTIVE ORDER NO. 81

### IMPROVING THE ENVIRONMENT WHILE PROTECTING SMALL BUSINESS AND INDUSTRY FROM UNNECESSARY COSTS FROM GREENHOUSE GAS PERMITTING

**WHEREAS**, on January 2, 2011, the first U.S. Environmental Protection Agency (EPA) regulations addressing greenhouse gas (GHG) emissions under the Clean Air Act took effect nationwide; and

**WHEREAS**, to avoid a harsh result on small businesses and industry, EPA “tailored” the federal greenhouse gas program to limit the impact of the new permitting requirements to large industrial sources, thereby shielding millions of small businesses from GHG permitting requirements and avoiding more than \$54 billion in additional costs for those small businesses nationally; and

**WHEREAS**, North Carolina businesses should have the benefit of the federal GHG thresholds that limit the impact of new greenhouse gas permitting requirements to the largest industrial sources; and

**WHEREAS**, the North Carolina Environmental Management Commission adopted a tailoring rule designed to protect North Carolina’s small businesses by raising the permitting threshold under the state air quality program to require permits only for large greenhouse gas sources that are required to have a permit under the federal rule; and

**WHEREAS**, the Rules Review Commission approved this proposed state tailoring rule, but approximately 18 citizens subsequently filed letters objecting to that rule; and

**WHEREAS**, under laws adopted by the General Assembly, the filing of these letters of objection had the effect of prohibiting the implementation of the state tailoring rule until the General Assembly has had an opportunity to evaluate the merits of that rule; and

**WHEREAS**, North Carolina General Statute § 150B-21.3(c) empowers the Governor to adopt an executive order providing for the immediate implementation of a rule to which objections have been filed when the Governor determines that immediate implementation of the rule is necessary to protect the public health, safety or welfare; and

**WHEREAS**, if the state tailoring rule does not go into effect, greenhouse gas permitting requirements will apply to tens of thousands of residential and commercial buildings and small businesses in North Carolina that emit relatively small amounts of greenhouse gases and will impact the state's economy by imposing over a billion dollars in unnecessary costs; and

**WHEREAS**, North Carolina continues to experience high unemployment as a result of the severe recession and imposing unnecessary burdens on business and industry would further slow economic recovery and harm the public welfare.

**NOW, THEREFORE**, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, particularly N.C. Gen. Stat. § 150B-21.3(c), **IT IS ORDERED:**

15A NCAC 02D .0544 as amended by the Environmental Management Commission on November 18, 2010, and approved by the Rules Review Commission on December 16, 2010, shall become effective this date and shall remain in effect unless the rules are disapproved by act of the General Assembly in accordance with N.C. Gen. Stat. § 150B-21.3(b1) or a court order makes modification or rescission of this Executive Order appropriate or necessary.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-eighth day of January in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.



Beverly Eaves Perdue  
Governor

**ATTEST:**

  
Elaine F. Marshall *by and through*  
Secretary of State *Rodney S. Maddox*  
*Chief Deputy Secretary*