

ROY COOPER

Governor

MARY PENNY KELLEY

Secretary

MICHAEL ABRACZINSKAS

Director



NORTH CAROLINA  
Environmental Quality

December 6, 2024

Senator Graig Meyer  
Senate District 23  
16 West Jones Street, Rm. 1121  
Raleigh, NC 27601

Dear Senator Meyer:

The Department of Environmental Quality has reviewed your December 4, 2024, letter to Secretary Kelley requesting that the Division of Air Quality relocate its upcoming public hearing and extend the public comment deadline associated with the draft air quality permit 03069T40 for the University of North Carolina at Chapel Hill.

While the Division is unable to host the public hearing at a location closer to UNC's campus, we can commit to keeping the public comment period open for one week following the public hearing. **The new deadline to submit public comments will be January 23, 2025.** We will update our public notice materials accordingly.

Because UNC has applied for an air quality permit using the two-step Title V significant modification process pursuant to 15A NCAC 02Q .0501(b)(2), the first step currently under review is processed pursuant to 15A NCAC 02Q .0300. Under this rule, the Division of Air Quality is not required to conduct any public outreach or receive public comments at this stage of the permitting process prior to taking final action. However, the Division noted significant public interest in this project, and I used my discretion to direct the Division to hold a public comment period and a public hearing. As you noted, the public hearing has been scheduled for 7 p.m. on January 16, 2025, at Orange High School in Hillsborough.

In selecting a venue for the public hearing, DEQ felt that it would be inappropriate to hold the hearing on the University's campus, as this could create the perception of a conflict of interest and may confuse the public into thinking that UNC was hosting the hearing, not DEQ. Unfortunately, the Division of Air Quality was unable to secure a venue that could accommodate at least 200 attendees closer than Orange High School. This was in part because contracts for preferred venues included indemnity clauses; as an executive agency, DEQ is prohibited from entering into contracts involving certain types of indemnity clauses. The Division is thankful to Orange County Schools for agreeing to modify its contract terms to allow us to be able to hold this public hearing within Orange County.

Because our rules state that the Division must take final action on the air quality permit application within 30 days of the close of the public hearing on January 16, 2025, the Division would not have sufficient time to adequately address all public comments and draft a hearing officer's report if it were to extend the public comment deadline by two weeks. By extending the deadline to January 23, 2025, we hope that UNC's student body and faculty will have ample opportunity to participate and provide public comments. Our rules require that the period for submitting public comments must be open for no less than 30 days; by extending the deadline, we will be accepting public comments for a total of 50 days.



North Carolina Department of Environmental Quality | Division of Air Quality

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As the lead stewardship agency for the protection of the state's environmental resources, the North Carolina Department of Environmental Quality strives to conduct business in an open and transparent way. The Department and its staff adhere to policies and programs for enhanced public participation and nondiscrimination meant to foster meaningful engagement with the communities we serve. We appreciate your interest in this process.

Sincerely,



Michael A. Abraczinskas, Director  
Division of Air Quality, NCDEQ

cc: Mary Penny Kelley, DEQ Secretary

