

Appendix C

Public Notice Report, Comments Received and Responses

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Public Notice Report
For the
Redesignation Demonstration and Maintenance Plan
for The Charlotte-Gastonia-Rock Hill, North Carolina –South Carolina
1997 8-Hour Ozone Nonattainment Area

Introduction

On May 18, 2011, a draft version of the “Redesignation Demonstration and Maintenance Plan for the Charlotte-Gastonia-Rock Hill, North Carolina –South Carolina 1997 8-Hour Ozone Nonattainment Area” was submitted to the United States Environmental Protection Agency (USEPA). A request for public hearing, in accordance with 40 CFR 51.102, and the public comment period were noticed in the local newspaper on Thursday, May 19, 2011. The public comment period was open from May 20, 2011 through June 23, 2011. No requests for a public hearing were received, so the hearing that had been scheduled for June 23, 2011, was cancelled and noticed on the North Carolina Division of Air Quality (NCDAQ) website on June 21, 2011. The public comment period elicited comments from the USEPA, Cabarrus Rowan Metropolitan Planning Organization (CRMPO) and the Mecklenburg Union Metropolitan Planning Organization (MUMPO).

Background

The area surrounding Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina (i.e. the Metrolina area) was designated nonattainment for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS) on April 30, 2004 (69 Federal Register 23858). The Metrolina nonattainment area includes the North Carolina counties of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan and Union; Coddle Creek and Davidson Townships in Iredell County, North Carolina; and the Rock Hill Metropolitan Planning Organization boundary in York County, South Carolina. The nonattainment designation was an action taken by the USEPA under Section 107(d) of the Clean Air Act (CAA). The CAA requires that some area be designated as nonattainment if a monitor is found to be in violation of a NAAQS. The USEPA took designation action in 2004 based on the ambient data from 2001-2003. At that time, the regional design value, the highest monitor’s design value, was 0.100 parts per million (ppm).

There are currently seven ozone monitors located throughout the Metrolina nonattainment area and one monitor located in York County, South Carolina, just outside of the nonattainment area. The latest design value for the nonattainment area is 0.082 ppm based on the data from 2008-2010, and is therefore in attainment of the 1997 8-hour ozone NAAQS, and the area is eligible to be considered for redesignation to attainment.

The State of North Carolina has implemented permanent and enforceable reductions in ozone precursor emissions in the Metrolina area. These actions include implementing the on-board diagnostic vehicle inspection and maintenance program that was phased-in in the Metrolina nonattainment area from July 1, 2002 through January 1, 2004, and an open burning ban during

ozone action days. In addition, there have been several State rules that have resulted in reductions in emissions in nearby areas that have resulted in lower ozone levels at the monitor. These State actions include the NOx SIP Call rules and the Clean Smokestacks legislation. Finally, several actions at the Federal level by the USEPA have resulted in lower emissions throughout the eastern portion of the country. These Federal actions include the Tier II engine standards for light and medium duty vehicles, heavy-duty engine standards, the low sulfur gasoline and diesel requirements, off-road engine standards, the NOx SIP Call and the Clean Air Interstate Rule (CAIR). CAIR was remanded by the court and although North Carolina did not rely on the emission reductions from CAIR for maintenance of the 1997 8-hour ozone standard, CAIR will result in additional reductions in NOx emissions regionally.

North Carolina is requesting that the USEPA redesignate the Metrolina nonattainment area to attainment. The monitoring data clearly shows that the region has attained the 1997 8-hour ozone standard, and the maintenance demonstration shows that the future emission inventories are expected to be lower than the base year inventory through the implementation of the various control measures listed above.

Summary of Public Comment Period

The public notice comment period was open from May 20, 2011 through June 23, 2011. There were no requests for a public hearing so the hearing scheduled for June 23, 2011, was cancelled. Comments were received from the USEPA, the CRMPO and the MUMPO, which are attached following this report along with the NCDAQ's response to comments letter to the USEPA.

The following is a summary of the pertinent comments raised during the public comment period, along with the NCDAQ's response. A number of the comments received by the USEPA were minor, mostly requesting clarifying language be added to the SIP documentation. The NCDAQ has added the clarifying language to address the minor comments therefore, these comments are not discussed below.

CRMPO comment: The Cabarrus-Rowan Transportation Advisory Committee voted unanimously on June 22, 2011 to endorse options B and C for setting the geographic extent of the Motor Vehicle Emission Budgets as part of the recently released Metrolina Redesignation/Maintenance Plan.

NCDAQ response: The NCDAQ will take this comment into consideration along with the other comments received regarding MVEBs. The final documentation will outline the comments received and how these comments were used to make the final option selection.

MUMPO comment: Select a motor vehicle emission budget strategy that does not treat Mecklenburg County as a planning entity separate from the rest of the Metrolina Region. Mecklenburg County should be treated in a manner consistent with that of the rest of the region with regard to MVEB.

NCDAQ response: The NCDAQ will take this comment into consideration along with the other comments received regarding MVEBs. The final documentation will outline the comments received and how these comments were used to make the final option selection.

MUMPO comment: Consider an alternative “Option E” which consists of one budget for the Cabarrus-Rowan MPO and one budget for the rest of the Metrolina region. While a true regional budget is the preferred option, “Option E” is identical to the geographic distribution agreed upon in writing by all of the Metrolina MPOs [Metropolitan Planning Organizations], RPOs [Rural Planning Organizations] and NCDOT [North Carolina Department of Transportation] in 2006.

NCDAQ response: In 2006, the NCDAQ asked transportation partners to provide feedback with regards to either county level budgets or regional budgets, and the response referred to in MUMPO’s comment were in response to that request. The draft maintenance plan provided a number of options that addressed the concerns the NCDAQ had in 2006 as well as addressing concerns provided by the transportation partners at that time. The NCDAQ did not receive feedback from the other transportation partners during this public comment process stating that a regional budget is still the preferred approach or if one of the other options provided addressed their concerns sufficiently. Additionally, the NCDAQ asked transportation partners during the interagency consultation process, prior to developing the maintenance plan, to provide feedback about alternative ways to establish MVEBs and only two MPOs responded. CRMPO requested a single MVEB for its MPO and MUMPO requested a single budget for its MPO. Therefore, the NCDAQ will not be establishing MVEBs consistent with MUMPO’s “Option E”.

MUMPO comment: Do not apply county-level MVEBs to those portions of the Metrolina regions not requesting them. MUMPO is aware that Cabarrus and Rowan Counties have stated (and may still have) a preference for county-level MVEBs, but the remainder of the Metrolina region has not expressed such a preference. MUMPO based this recommendation, in part, on their belief that MVEB is a tool for conformity, not a tool for attainment. They stated “Attainment of the ozone standard is independent of our transportation conformity status. Though the MVEB is part of the SIP [State Implementation Plan], and the MVEB will be used for transportation conformity, the MVEB are not considered a tool to attaining the air quality standard.”

NCDAQ response: Although the NCDAQ will take this comment, along with the other comments received regarding MVEBs, into consideration when establishing the MVEBs for the Metrolina area, the NCDAQ does not agree with MUMPO’s assertion that MVEBs are independent of attainment/maintenance of the air quality standards. The whole purpose of transportation conformity is to ensure that federal actions (such as transportation funding) will not hinder an area from attaining and/or maintaining an air quality standard. Therefore, it would be appropriate to treat a planning entity separate from the rest if doing so would provide additional assurance that the area would not violate the standard due to motor vehicle emissions increases due to transportation projects in that area.

MUMPO comment: Allocate the same percentage for MVEBs to Mecklenburg County as allocated to Cabarrus, Gaston, Union and Rowan Counties. NCDAQ’s treatment of an “emissions dominant” county appears to be inconsistent with how NCDAQ treated Wake County in the Triangle Region’s 2007 ozone maintenance SIP. Also, the percentages of safety margin assigned to each county appear in the draft SIP summary table to be 5% less than they should be. Finally, the draft SIP is not clear how much of the total safety margin may be allocated in practice if the need arises.

NCDAQ response: The NCDAQ does not believe that it is appropriate to compare the percent used to determine the amount of safety margin allocated to the MVEB for Wake County with the percent used for Mecklenburg County. Mecklenburg County's 2013 Nitrogen Oxides (NOx) emissions are 52.05 tons per day, which are a significantly higher than any other county's on-road mobile source emissions in the State, including Wake County. Additionally, the air quality was cleaner in Wake County when the MVEBs were established than it currently is in Mecklenburg County. The regional design value for Triangle area in 2007 was 0.080 parts per million (ppm) with the fourth highest maximum 8-hour ozone value of 0.078 ppm in Wake County. The regional design value for the Metrolina area is 0.082 ppm and the fourth highest maximum 8-hour ozone concentration in Mecklenburg County is 0.082 ppm. Furthermore, in the 2011 ozone season thus far, a total of eight exceedances of the 1997 8-hour ozone standard have occurred in the Metrolina region, six of which have occurred in Mecklenburg County. So although the Metrolina has attained the 1997 8-hour ozone standard, there are still exceedances of the standard in this area, more than any other area in the State and on-road mobile source emissions are a significant contributor to the NOx emissions. Finally, the current air quality situation is different now than when the MVEBs were established for Wake County in 2007. In 2007, the 8-hour ozone standard was 0.08 ppm. Currently the 8-hour ozone standard, established in 2008, is 0.075 ppm. The USEPA is reconsidering this standard and is expected to promulgate a new standard in 2011 that will most like be even lower. The NCDAQ took all of this into consideration when establishing how much safety margin was allocated to the MVEBs.

USEPA comment: Reasonable Available Control Technology [RACT] – Section 182(b)(2) of the Clean Air Act requires RACT controls for all sources addressed by CTGs in areas classified moderate and above. For the Charlotte 1997 8-hour ozone nonattainment area, these rules would have to be submitted and approved in order for the redesignation to be approved. Not addressing RACT for sources with emissions less than 100 tons per year is not consistent with this requirement.

NCDAQ response: The NCDAQ learned recently that the USEPA had concerns with North Carolina's applicability rule for RACT (15A North Carolina Administrative Code (NCAC) 2D.0902) which was submitted to the USEPA for adoption in to the North Carolina SIP in April 2007 and again in January 2008. The NCDAQ will work with the USEPA to address their concerns with the Metrolina RACT SIP as quickly as possible.

USEPA comment: The plan states that several rules addressing volatile organic compounds have been adopted for toxics purposes and have been submitted for inclusion in the SIP. However, the redesignation request states that applicability for the Charlotte Area is only state effective and has not been submitted to U.S. Environmental Protection Agency for federal approval and is not federally enforceable. Having RACT for several CTG categories be only state enforceable is inconsistent with the statutory RACT requirement for CTG sources cited previously. Please make the clarification that the rules have been or will be submitted for federal approval.

NCDAQ response: The wording in the draft redesignation request was incorrect. The applicability of the rules the USEPA is referring to were federally approved into the SIP in August 2001. Additionally, the applicability rule mentioned above (15A NCAC 2D .0902) was

submitted to the USEPA for adoption into the SIP in April 2007 and in January 2008. These submissions include the statewide applicability of the rules referred to by the USEPA. This error has been corrected.

USEPA comment: – Contingency Plan – The contingency plan section should be strengthened to meet the requirements of Clean Air Act section 175A and the September 4, 1992, EPA Redesignation Guidance (Procedures for Processing Requests to Redesignate Areas to Attainment, aka, the Calcagni memo). The Calcagni Memo states that “The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State.” EPA has consistently required that adoption and implementation of contingency measures be completed within 18 to 24 months from a trigger. ... The plan only states that North Carolina commits to implement within 24 months at least one of the measures. Please ensure that the contingency measure adoption schedule is abundantly clear that the state commits to adopt one of the measures indicated in the plan within 24 months of a trigger, regardless of whether or not legislative review is required.

NCDAQ response: The wording has been changed to state “The NCDAQ commits to implement within 24 months of a primary or secondary trigger, or as expeditiously as practicable, at least one of the control measures listed above or other contingency measures that may be determined to be more appropriate based on the analyses performed.”

USEPA comment: Page 3-12, Section 3.3.2 - There is no discussion whether or not the 2010 emissions inventory represents actual point source emissions as required for a redesignation. From Appendix B.1, it appears that the 2009 actual point source emissions were projected to 2010 for the base year inventories. The point source inventory for the 2010 baseline inventory should represent actual emissions for 2010. Please clarify that the 2010 point source emissions in the redesignation meet this requirement and that actual 2010 emissions were used where available, particularly for significant point sources.

NCDAQ response: The actual 2010 point source emissions inventory will not be available until December 2011. However, for the facilities that report to the USEPA’s Clean Air Markets Division (CAMD), significant point sources for NOx emissions, the NCDAQ used the actual 2010 data from the CAMD database. For the remaining major sources, the latest available data from 2009 was used and grown to 2010 using the USEPA’s EGAS (Economic Growth Analysis System) growth projection model. The NCDAQ believes this inventory used for the maintenance plan is representative of 2010 emissions.

USEPA Comment: Page 4-2, Section 4.3 – Of the four motor vehicle emissions budget (MVEBs) options presented in the prehearing, EPA prefers option A which sets separate budgets for each county. If Option B or D is ultimately chosen, it should be clarified that the additional Mecklenburg County budgets are sub-budgets of the overall MPO/RPO budget which also includes Mecklenburg County. Currently, it could appear that the additional Mecklenburg budget is a separate budget. The final redesignation submittal should indicate how public comments were used to make the option selection.

NCDAQ response: The NCDAQ appreciates the USEPA comments regarding the establishment of MVEBs. The NCDAQ will take this comment into consideration along with

the other comments received by transportation partners. The final documentation will outline the comments received and how these comments were used to make the final option selection.

Conclusion

After considering the comments received, the NCDAQ has chosen to establish MVEBs based on Option C. This option set MVEBs as grouped counties based on counties that contain a Metropolitan Planning Organization (MPO) and/or Rural Planning Organization (RPO). This option is consistent with the CRMPO request and takes into consideration two of the comments from MUMPO. The NCDAQ believes that this option is a good compromise between how MVEBs have been established in the past, addressing the NCDAQ's concern with Mecklenburg County's on-road mobile source emissions and the preferences of the transportation partners. Further, the NCDAQ believes this approach provides additional flexibility to the transportation partners while providing adequate assurance that the ozone standard will be maintained in the region. Therefore, MVEBs will be set for the CRMPO (Cabarrus and Rowan Counties), for the Gaston Urban Area MPO and Lake Norman RPO (Gaston, Iredell, and Lincoln Counties), and for the MUMPO and Rocky River RPO (Mecklenburg and Union Counties).

Attachments to Public Notice Report

- 1) Written comments received from Phil Conrad on behalf of the Cabarrus Rowan MPO dated June 23, 2011.
- 2) Written comments received from William S. Coxe, Chair of the Mecklenburg Union MPO Technical Coordinating Committee dated June 22, 2011.
- 3) Written comments from Richard A. Schutt, Chief of the Air Planning Branch, USEPA, dated June 23, 2011.
- 4) NCDAQ's written response to the USEPA's comments, dated June 29, 2011.
- 5) Public notice language dated May 17, 2011.
- 6) The Charlotte Observer Publishing Company publication affidavit of public notice.

Boothe, Laura

From: Phil Conrad [pconrad@mblsolution.com]
Sent: Thursday, June 23, 2011 9:19 AM
To: SVC_DENR.DAQ.publiccomments
Cc: Boothe, Laura; Joe Wilson; Connie Cunningham
Subject: Metrolina Redesignation

The Cabarrus-Rowan Transportation Advisory Committee voted unanimously on June 22, 2011 to endorse options B and C for setting the geographic extent of the Motor Vehicle Emission Budgets as part of the recently released Metrolina Redesignation/Maintenance Plan. We appreciate the opportunity to comment on this important state decision and look forward to participating as a stakeholder in future discussions on the SIP.

If you should have any questions, please do not hesitate to let us know.

Sincerely,

Phil Conrad
Cabarrus-Rowan MPO
135 Cabarrus Avenue East
Concord, North Carolina 28025
704-795-7528
704-795-7529 fax
www.crmmpo.org

From: Boothe, Laura [<mailto:laura.boothe@ncdenr.gov>]
Sent: Monday, May 23, 2011 8:17 AM
Subject: Metrolina Redesignation Demonstration out for comment

Good Morning everyone

The Metrolina Redesignation Demonstration and Maintenance Plan is out for public comment. The notice was published in the Charlotte Observer either Thursday or Friday last week. The comment period goes through June 23rd. Requests for a public hearing must be received by June 20th (see public notice on website below for information about requesting public hearing). If no request for a public hearing is received then the public hearing scheduled for June 23rd will be cancelled and noticed on the DAQ website.

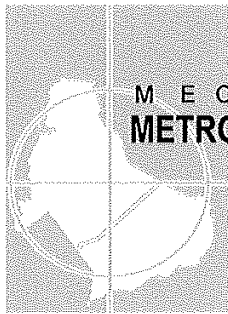
http://ncair.org/planning/Metrolina_Redesignation_Maintenance.shtml

Please let me know if you have any questions
Laura

Please notice my e-mail address has changed to: Laura.Boothe@ncdenr.gov

Laura Boothe
Attainment Planning Branch Supervisor
NCDENR, Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
(919) 733-1488
(919) 715-7476 FAX

Public Notice Report, Comments Received and Responses
Charlotte-Gastonia-Rock Hill, NC-SC 1997 8-Hour Ozone Nonattainment Area
Redesignation Demonstration and Maintenance Plan



MECKLENBURG - UNION
METROPOLITAN PLANNING ORGANIZATION

600 East Fourth Street
Charlotte, North Carolina 28202-2853
704-336-2205
www.mumpo.org

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WESLEY CHAPEL

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June 22, 2011

Laura Boothe, Attainment Planning Branch Chief
1641 Mail Service Center
Raleigh, NC 27699-1641

SUBJECT: Comments on the "Charlotte-Gastonia-Rock Hill 1997 8-Hour Ozone
Nonattainment Area Pre-Hearing Draft Redesignation Demonstration and Maintenance Plan"

Dear Ms. Boothe:

On behalf of The Mecklenburg-Union Metropolitan Planning Organization (MUMPO), I
want to thank the Division of Air Quality for allowing this opportunity to comment on the
Ozone SIP draft document dated May 18, 2011.

In order to provide the Metrolina Region with the opportunity to address transportation
planning needs and air quality impacts in a regional manner, MUMPO recommends the
following to NCDAQ.

1. Select a motor vehicle emission budget strategy that does not treat Mecklenburg County as a planning entity separate from the rest of the Metrolina region. Mecklenburg County should be treated in a manner consistent with that of the rest of the region with regard to MVEB.
2. Consider an alternative "Option E" which consists of one budget for the Cabarrus-Rowan MPO and one budget for the rest of the region. While a true regional budget is the preferred option, "Option E" is identical to the geographic distribution agreed upon in writing by all of the Metrolina MPOs, RPOs, and NCDOT in 2006.
3. Do not apply county-level MVEBs to those portions of the Metrolina region not requesting them. MUMPO is aware that Cabarrus and Rowan Counties have stated (and may still have) a preference for county-level MVEBs, but the remainder of the Metrolina region has not expressed such a preference.
4. Allocate the same percentage of safety margin for MVEBs to Mecklenburg county as allocated to Cabarrus, Gaston, Union, and Rowan Counties. NCDAQ's treatment of an "emissions dominant" county appears to be inconsistent with how NCDAQ treated Wake County in the Triangle Region's 2007 ozone maintenance SIP. Also, the percentages of safety margin assigned to each county appear in the draft SIP summary tables to be 5% less than they should be. Finally, the draft SIP is not clear how much of the total safety margin may be allocated in practice if the need arises.

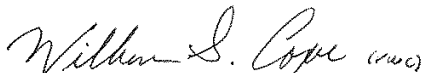
MUMPO's recommendations are based on the following justification.

- **Mecklenburg County's size not a threat to Metrolina region's air quality**
The fact that Mecklenburg County's motor vehicle emissions are almost five times larger than the next closest county's emissions does not in itself constitute a threat to air quality. Mecklenburg County motor vehicle emissions are decreasing, and thus are not a potential hindrance to possible future growth in surrounding counties. MUMPO perceives that NCDAQ has some concern that with a multi-county MVEB Mecklenburg County would somehow grow faster and effectively usurp any MVEB surplus in the region. But NCDAQ has not presented data to support such a notion. There is no realistic scenario under which this is possible. In contrast, MUMPO presents three types of data (in the attachment) which show Mecklenburg County motor vehicle emissions have not and will not increase in the future.
- **MPOs, not counties, responsible for Transportation Conformity**
MPOs decide the contents of their TIPs and LRTPs, and are responsible for showing that those plans conform to the SIP's air quality goals by comparing the calculated emissions to the MVEB. Counties in North Carolina have no transportation planning representative.
- **Growth crosses county boundaries**
Output from the Metrolina Regional Model (MRM) used for our conformity analyses show that projected VMT growth is not restricted to the county with the increase in jobs or other attractions. County-level projections impact growth in VMT through a wide geographic area, and thus increase motor vehicle emissions in multiple counties.
- **County level MVEBs rare outside of NC**
MUMPO found no other comparable area in the nation that utilizes county-level MVEBs. Multi-county MVEBs appear to be the norm, generally broken only by state boundaries.
- **MVEB is a tool for conformity, not a tool for attainment**
Attainment of the ozone standard is independent of our transportation conformity status. Though the MVEB is part of the SIP, and the MVEB will be used for transportation conformity, the MVEB are not considered a tool to attaining the air quality standard.

Please refer to the attachment for supporting data and a more detailed discussion relevant to these points.

In conclusion, MUMPO submits "Option E" for your consideration and requests that NCDAQ structure the budget in a way that promotes regional planning rather than fragmenting the MPO/RPO planning efforts already at work in the region. NCDAQ should not apply county-level MVEBs to the Metrolina region. It is our belief that "Option E" will allow existing entities to manage their transportation projects in a manner that serves the citizens of the region by providing for their economic development and transportation needs while doing our part to ensure that air quality is protected.

Yours truly,



William S. Coxe, Chair
Technical Coordinating Committee

cc: Dee Freeman, Secretary, NCDENR
Sheila Holman
Don Willard

Attachments
Leslie Rhodes

ATTACHMENT

Data and Detailed Discussion Supporting Comments on the Charlotte-Gastonia-Rock Hill 1997 8-Hour Ozone Nonattainment Area Pre-Hearing Draft Redesignation Demonstration and Maintenance Plan

On behalf of The Mecklenburg-Union Metropolitan Planning Organization (MUMPO) I want to thank the Division of Air Quality for allowing this opportunity to comment on the Ozone SIP draft document dated May 18, 2011 (hence identified as the “draft SIP”). Getting to this point has been a regional effort. Industries, municipalities, and regional planning organizations, worked toward a common goal of cleaner air based on the SIP.

The ozone air quality, and the emissions of anthropogenic precursors to ozone, have all trended downward since 2000. MUMPO believes the mechanism has been – and will remain -- in place to continue those trends. Of particular note, decreasing emissions of NO_x from the transportation sector have been the result of technological advances mandated on the federal level. NO_x and VOC emissions have been projected to decrease in every county in the region, including Mecklenburg County, in spite of projected increases in population and vehicle miles traveled (VMT). This has been documented not only in all of MUMPO’s Transportation Conformity Documents since 2002, but is also reflected in the emissions NCDAQ projected in the draft SIP for every county of the Metrolina region, including Mecklenburg County.

Because MUMPO is one of three Metropolitan Planning Organizations charged with developing regional transportation planning documents which must conform to the limits in the Motor Vehicle Emissions Budgets (MVEBs) contained in the SIP, our comments are largely related to those MVEBs.

The detailed comments in this attachment are divided into four sections, corresponding to the comments in the cover letter. Also, for the sake of brevity, our comments are largely limited to NO_x emissions, but our comments would also apply to VOC emissions. To that end, we believe the following comments are in the best interest of MUMPO, and the Metrolina region as a whole, for sustainable regional growth, for transportation planning, and for enabling the region to continue to meet the 1997 ozone NAAQS over the next decade. All referenced figures are shown at the end of this attachment.

Comment #1 Separate Treatment of Mecklenburg County

MUMPO is concerned that the NCDAQ finds it necessary to create a separate MVEB for Mecklenburg County. The geographic distribution options in the draft SIP send a clear message that somehow Mecklenburg County has the potential to cause or contribute to air quality problems in the future. In discussing Option B, and also Option D, the rationale given in the draft SIP is:

“Since Mecklenburg County’s motor vehicle emissions are almost five times larger than the next closest county’s emissions and the monitors in and downwind of Mecklenburg County tend to have the highest ambient ozone concentrations, the NCDAQ is recommending these emissions be managed differently.”

MUMPO does not believe these reasons for such management to be either significant or relevant. It is not clear from the SIP narrative exactly what NCDAQ hopes to accomplish by managing Mecklenburg County emissions differently from the rest of the region. The fact that Mecklenburg County’s motor vehicle emissions are almost five times larger than the next closest county’s emissions does not in itself constitute a threat to air quality. Mecklenburg County motor vehicle emissions are decreasing, and thus is not a potential hindrance to possible future growth in surrounding counties. Regarding the monitors, NCDAQ intended 5 of the region’s 7 ozone monitors to be downwind of Mecklenburg County, so it is no surprise that these monitors would generally record the highest ozone. But of more significance is that all of the monitors are now attaining the ozone NAAQS. NCDAQ’s own data in the draft SIP strongly suggests that any threat to maintaining the 1997 ozone standard will decrease in the future because emissions of NO_x and VOC will continue to decrease in the future. Therefore, there is no reason for Mecklenburg County motor vehicle emissions to be “managed differently.”

Regarding the magnitude of Mecklenburg County’s motor vehicle NO_x emissions, MUMPO presents the following to clearly show that Mecklenburg County motor vehicle NO_x emissions do not pose now, and will continue to not pose a threat to either the 1997 ozone NAAQS, or to the economic development of the other counties in the Metrolina region:

- 1. Conformity analyses between 2002 and 2011 consistently show motor vehicle emissions within Mecklenburg County decreasing for the foreseeable future.**
- 2. Mecklenburg County population, households, and employment are projected to become a smaller percentage of the Metrolina totals between 2011 and 2035.**
- 3. NCDAQ’s own data show that motor vehicle emissions in Mecklenburg County will decrease from 2011 to at least 2022, in spite of an increase in VMT during that same period.**

For these reasons, discussed in greater detail below, Mecklenburg County motor vehicle emissions should not be managed differently.

1. Conformity analyses between 2002 and 2011 consistently show motor vehicle emissions within Mecklenburg County decreasing for the foreseeable future.

The projected NO_x emissions for Mecklenburg County from conformity analyses from 2002 through 2011 are displayed in Figure 1. Each symbol on the graph represents the projected NO_x emissions for a specific horizon year. Some horizon years have been evaluated in multiple conformity analyses. All of the projected VMT had been reviewed vigorously by NCDAQ. All of the projected emissions have been calculated by NCDAQ. All of the projections except for the 2011 conformity analysis are from conformity documents approved by USDOT and by EPA. (The 2011 conformity analysis is still in public review until June 30). It is worth noting that this period includes conformity analyses made while Mecklenburg County was a maintenance area for the 1-hour ozone standard, and before the 8-hour non-attainment area was established. While over the years the assumptions and procedures have evolved, the aggregated historical trend is evident. Mecklenburg County motor vehicle NO_x emissions have been decreasing and are projected to continue to decrease.

Figure 2 is a graph of Mecklenburg County VMT and projected motor vehicle NO_x emissions from 2000 to 2035. Again, the projected VMT had been reviewed by NCDAQ, and the NO_x emissions calculated by NCDAQ. There is no evidence that somehow Mecklenburg County motor vehicle NO_x emissions may increase, even though VMT is projected to increase.

Figure 3 is a graph of the Mecklenburg County projected NO_x for horizon years 2000, 2005, and 2010 (as the dashed line) from Figure 2, overlaid with the annual 4th-highest ozone in the Metrolina region during the same period. Figure 3 shows that decreases in motor vehicle NO_x appear to coincide with the downward trend in ozone concentrations.

The size of Mecklenburg County has not prevented a steady trend of improving air quality and decreasing motor vehicle emissions. MUMPO believes information provided in Figures 1-3 provide strong evidence against NCDAQ's perception that Mecklenburg County mobile NO_x emissions need to be managed differently.

2. Mecklenburg County population, households, and employment are projected to become a smaller percentage of the Metrolina totals between 2011 and 2035.

Although Mecklenburg County dominates the Metrolina region in terms of population, VMT, and motor vehicle NO_x emissions, its dominance relative to the rest of the region is not projected to increase, but rather to decrease slightly. To support this comment, MUMPO presents the projected trends in percentage population (figure 4), percentage number of households (figure 5) and percentage employment (figure 6), in each Metrolina county between 2000 and 2035. These data were used in the Metrolina Regional Model (MRM) to generate the VMT and speed data which was in turn used by NCDAQ to produce the motor vehicle emissions projections appearing in the draft SIP. The VMT and speed data, and ultimately the motor vehicle emissions, are determined by population, number of households, and employment.

The table below shows the absolute (not relative to the region as a whole) percentage growth rate for Mecklenburg County during the 2000-2035 period. (Similar data exists for the other counties in the Metrolina region.) For each 3-year period in the table, it is clear that after 2005, the growth rates of population, households, and employment are nearly constant or slightly decreasing. Again, these data are used to generate the projected VMT in Mecklenburg County, and thus the motor vehicle emissions projections appearing in the draft SIP.

	Mecklenburg County Annual Growth Rate					
	2000 to 2002	2002 to 2005	2005 to 2008	2008 to 2015	2015 to 2025	2025 to 2035
Population	2.7%	4.5%	2.3%	1.9%	1.6%	1.2%
Households	2.8%	6.4%	1.7%	1.8%	1.5%	1.2%
Employment	2.1%	3.5%	2.0%	2.0%	2.0%	1.6%

The draft SIP does not suggest a need for a plan to limit the growth of Mecklenburg County population or households or employment beyond current projections which support the region's continued attainment of the 1997 ozone NAAQS. . In addition, the rate of growth in Mecklenburg County will hold steady or slightly decrease. Therefore MUMPO believes neither an explicit nor implicit program to restrict county growth is necessary. Mecklenburg County's size with respect to population, households, and employment will not be a deterrent to growth in the rest of the Metrolina region. As a result, MUMPO has serious concerns with NCDAQ's assertion that Mecklenburg County motor vehicle emissions need to be managed any differently from the rest of the Metrolina region.

3. NCDAQ's own data show that motor vehicle emissions in Mecklenburg County will decrease from 2011 to at least 2022, in spite of an increase in VMT during that same period.

The combination of State and Federal actions, including those requiring the production of lower-polluting motor vehicles, have resulted in cleaner air in the Metrolina area, and are expected to result in continued maintenance of the 1997 8-hour ozone NAAQS in this region. But in no instance has NCDAQ mentioned a special program to control Mecklenburg County motor vehicle emissions, and there is no reference concerning the rationale or value of such a special program.

With input from MUMPO and other partners in this process, NCDAQ developed future year emissions inventories for the years 2013, 2016, 2019, and 2022. Without any specific plan in the draft SIP to "manage" Mecklenburg County motor vehicle emissions differently, NCDAQ still concluded in its Executive Summary for the SIP narrative,

“The future year emissions were lower than the 2010 emissions in all cases. ...in no future year are the emissions expected to be greater than they were in the baseline year.”

And, below that,

“The monitoring data clearly shows that the region has attained the 1997 8-hour ozone standard, and the maintenance demonstration shows that the future emission inventories are expected to be lower than the attainment year inventory through the implementation of the various control measures discussed above.”

MUMPO agrees with these conclusions reached by NCDAQ, and these conclusions are clearly supported by factual data contained in the draft SIP submittal. MUMPO adds as emphasis that every county in the Metrolina region, including Mecklenburg County, has emission inventories in each future year decreasing, according to Table 3-7 and Table 3-15 in the draft SIP narrative. However, MUMPO is unclear as to how or why NCDAQ singles out Mecklenburg County with regards to motor vehicle emissions budgets (MVEBs).

Under the Transportation Conformity rules, transportation plans must be fiscally constrained, and it is well established in our approved Long-Range Transportation Plan and conformity document that there are no surplus funds for MUMPO to build more projects than are currently funded. It is simply not possible to pay for enough new roads, and somehow incent enough people to move into or near Mecklenburg County to support the idea that Mecklenburg County needs some kind of special management.

MUMPO perceives that NCDAQ has some concern that with a multi-county MVEB Mecklenburg County would somehow grow faster and effectively usurp any MVEB surplus in the region. But NCDAQ fails to present any data to support such a notion. There is no realistic scenario under which this is possible. In contrast, MUMPO believes it has presented three types of data which show Mecklenburg County motor vehicle emissions have not and will not increase in the future.

Based on the data presented above, MUMPO recommends that NCDAQ remove from the final version of the SIP narrative and associated appendices, all references to NCDAQ recommending Mecklenburg County emissions be managed differently.

Comment #2 -- Geographic Distribution of MVEBs

NCDAQ has provided four options pertaining to the geographic distribution of NO_x and VOC MVEBs. On the basis of the comments and data provided in Comment #1, MUMPO requests that NCDAQ seriously reconsider its position on any separate treatment or management of Mecklenburg County motor vehicle emissions. It is clear that Mecklenburg County motor vehicle emissions are not now, nor anticipated to be, a threat to maintaining the 1997 ozone NAAQS. Since there is no reason for NCDAQ to single out Mecklenburg, “Option D” and “Option B” should not be considered for inclusion in the final SIP document.

MUMPO has concluded the most suitable option for the Metrolina region is not any of the four options in the draft SIP document. MUMPO does recognize “Option D” to be very similar to a choice endorsed by the MPOs, and RPOs and by NCDOT in 2006. At that time, the aforementioned parties submitted to NCDAQ a geographic distribution which included Cabarrus and Rowan Counties as separate MVEBs, and the remainder of the Metrolina with a common MVEB. MUMPO therefore calls on NCDAQ to create an “Option E” as illustrated in figure 7, for both 2013 and 2022. “Option E” should be the only geographic distribution included in the final version of the SIP document.

An additional consideration of the Options provided in the draft

It is a distinct possibility that when the 2010 census data is fully evaluated, new MPO boundaries may be created. It is very possible that the southern portion of Iredell County could become part of MUMPO. In that event, “Option B” and “Option C” would not work. However, MPO boundary changes would be less of an issue if “Option E” was chosen.

Comment #3 -- Comments on County-level MVEBs

County-level MVEBs (Option A) should not be applied to the Metrolina region in the final version of the SIP. Our reasons are given below.

MPOs, not counties, responsible for Transportation Conformity

The establishment of county-level MVEBs, while well-intentioned, marginalizes the responsibility of the MPOs in the transportation conformity process. When an MPO is larger than a single county, such as the Mecklenburg-Union MPO (MUMPO), the TIP and the LRTP are adopted for the entire MPO, and the fiscal constraint condition is met MPO-wide. MPOs decide the contents of their TIPs and LRTPs, and are responsible for showing that those plans conform to the SIP's air quality goals by comparing the calculated emissions to the MVEB. Counties in North Carolina have no transportation planning representative.

If a county were to have a problem meeting its MVEB, there is no county-level organization that could address the problem. The transportation problem would have to be addressed by either the MPO or the NCDOT.

No documentation that county level budgets are critical

DAQ has given MUMPO the impression that any deviation from the county-level MVEBs they prescribe would be detrimental to air quality. However, DAQ has not quantified by how much county level MVEBs are a better choice for meeting the ozone NAAQS than "Option E" or even "Option C." NCDAQ has not evaluated the impact of a redistribution of the total of MVEBs within the Metrolina area. MUMPO believes that without any such technical documentation NCDAQ lacks support for county-level MVEBs as necessary to preserve air quality.

Growth crosses county boundaries.

Output from the Metrolina Regional Model (MRM) used for our conformity analyses and for this draft SIP document show that projected VMT growth is not restricted to the county with the increase in jobs or other attractions. County-level projections of jobs or other attractions impact growth in VMT through a wide geographic area, and thus increase motor vehicle emissions in multiple counties. Therefore, utilizing a multi-county budget would be more consistent with the correct relation between growth and emissions. NCDAQ's county-level MVEBs have the potential to restrict population or economic growth in one or more counties, much more readily than would a multi-county MVEB. This may not only be unfair, but unnecessary.

MVEB is a tool for conformity, not a tool for attainment.

Attainment of the ozone standard is independent of our transportation conformity status. Though the MVEB is part of the SIP, and the MVEB will be used for transportation conformity, the MVEB are not considered a tool to attaining the air quality standard. MUMPO is hopeful that NCDAQ can avoid equating conformity with attainment by

County level MVEBs rare outside of NC

MUMPO found no other comparable area in the nation that utilizes county-level MVEBs. We found that multi-county MVEBs are common practice in EPA Regions 2, 3, 4, 5, 6, and 9. Multi-county MVEBs appear to be the norm, generally broken only by state boundaries. Multi-county MVEBs are being applied for multi-county, multi-MPO maintenance areas and areas across the nation whose nonattainment status ranges from marginal to severe. Some examples of areas with multi-county MVEBs are: Dallas-Fort Worth; Houston-Galveston-Brazoria; St. Louis MO-IL; NY-NJ-CT; Baltimore; Washington DC-MD-VA; Philadelphia-Wilmington-Atlantic City; Clarksville TN - Hopkinsville KY; and Atlanta. An exception is the San Joaquin Valley nonattainment area, which has 8 county budgets, but each county is also an MPO. MUMPO contends that the Metrolina area wants to be – and should be – given the same regional flexibility to manage its transportation planning decisions that pertain to conformity.

Comment #4 -- Safety Margins

NCDAQ's analysis shows Metrolina NO_x and VOC emissions decreasing from 2010 to 2022. As a result, their respective safety margins increase over the same period. The NCDAQ says it decided to allocate up to 50% of the safety margin to the MVEB. However, the total allocation added to the 2013 amounted to only 26% of the total NO_x safety margin available and 27% of the total VOC safety margin available. Furthermore, the total allocation added to the 2022 MVEBs amounted to only 14% of the total NO_x safety margin available and 17% of the total VOC safety margin available. While MUMPO is hopeful that none of the safety margin is ever needed in the Metrolina region, NCDAQ has plenty more safety margin it could set aside for MVEBs and still be well below the 50% limit.

The NCDAQ has developed and implemented a five-step approach for determining a factor to use to calculate the amount of safety margin to add to what is effectively the baseline MVEB. Having evaluated DAQ's procedure for calculating safety margins available for the baseline MVEBs, MUMPO makes the following comments:

The percentages chosen for steps 1-4 are arbitrary.

NCDAQ's procedure is serviceable without needing to be technically justified. A range of different percentages or criteria could have been used, and be equally serviceable.

Mecklenburg County was given no added safety margin for unexpected rapid growth (step 3) because it is already the largest county in the region.

MUMPO sees this as another example of singling out Mecklenburg County to be managed differently. Earlier in our comments we provided data and commentary as to why this singling out is unnecessary. MUMPO applies those same comments along with figure 1 through figure 6. Furthermore, NCDAQ's treatment of an "emissions dominant" county appears to be inconsistent with how NCDAQ treated Wake County in the Triangle Region's 2007 ozone maintenance SIP. The process NCDAQ used to allocate a "safety margin" to the MVEBs in the Triangle Region¹ is very similar to the process NCDAQ employed for the Metrolina Region. Wake County was estimated to emit **45%** of all the on-road mobile NO_x in the Triangle Region for the 2008 MVEB. NCDAQ wrote the following in awarding safety margins:

"Step 2 Account for continued rapid growth and provide flexibility for counties that are small contributors to on-road mobile NO_x emissions inventory"

"Chatham, Granville and Person get 10% additional safety margin in 2008"

"Durham, Franklin, Johnston, Orange and Wake get 5% additional safety margin in 2008"

¹ Source: Mobile Source Inventory Raleigh-Durham-Chapel Hill, NC 8-Hour Ozone Redesignation Demonstration and Maintenance Plan June 7, 2007 Appendix C.3, page 4-40

“Additional safety margin increases of 5-10% are applied to all counties. This is simply to account for continued rapid growth in the Triangle area.”

Compare that to Mecklenburg County, which was estimated to emit **49%** of all the on-road mobile NO_x in the Metrolina Region for the 2013 MVEB, yet received 0% safety margin credit. MUMPO hopes that NCDAQ does not see Mecklenburg County’s 49% as more significant than Wake County’s 45% in this case. Also, because surrounding counties, but not Mecklenburg, would get added safety margin for unexpected growth, it could be viewed as DAQ promoting sprawl. Therefore, MUMPO requests NCDAQ add at an additional 8% (the minimum for step 3) of Mecklenburg County’s emissions to be allocated to the 2013 MVEBs.

The sum of the safety margins provided in table 4-1 in the narrative and table 4.4.2-1 in Appendix B.3 should add up to either 15% or 17% (instead of 10% or 12%) in the 2013 column. The allocation for step 2 (5%) may not have been applied. If so, then the safety margins allocated in 2022 for those counties should also be increased to either 25% or 27%.

DAQ is unclear as to whether a larger fraction of the safety margin initially assumed for a specific reason -- and yet still within the allotted safety margin -- would be provided if needed. For example, if the unanticipated input model data changes (step 2) turned out to be 6% instead of 5%, would DAQ allow use of 6% of the total (perhaps 15%) safety margin, or only 5%? MUMPO believes that the amount of safety margin used for a given area should be limited by that area’s need, and not by what was initially assumed in the draft SIP for a specific reason (step 1 or 2 or 3 or 4).

Concluding request.

MUMPO requests that NCDAQ choose a modified version of “Option D,” which MUMPO has depicted in Figure 7 as “Option E” for the geographic distribution of MVEBs. “Option E” is identical to the geographic distribution agreed upon in writing by the MPOs, RPOs, and NCDOT in 2006. Mecklenburg County should be treated in a manner consistent with that of the rest of the Metrolina region with regard to MVEB and safety margin.

“Option C,” while not singling out Mecklenburg County for special treatment, is flawed because it did not consider the possibility that Iredell County may become a part of MUMPO.

NCDAQ should not apply county-level MVEBs to the Metrolina region.

Figure 1. Historical trend of Mecklenburg Co. NOx Conformity Projections

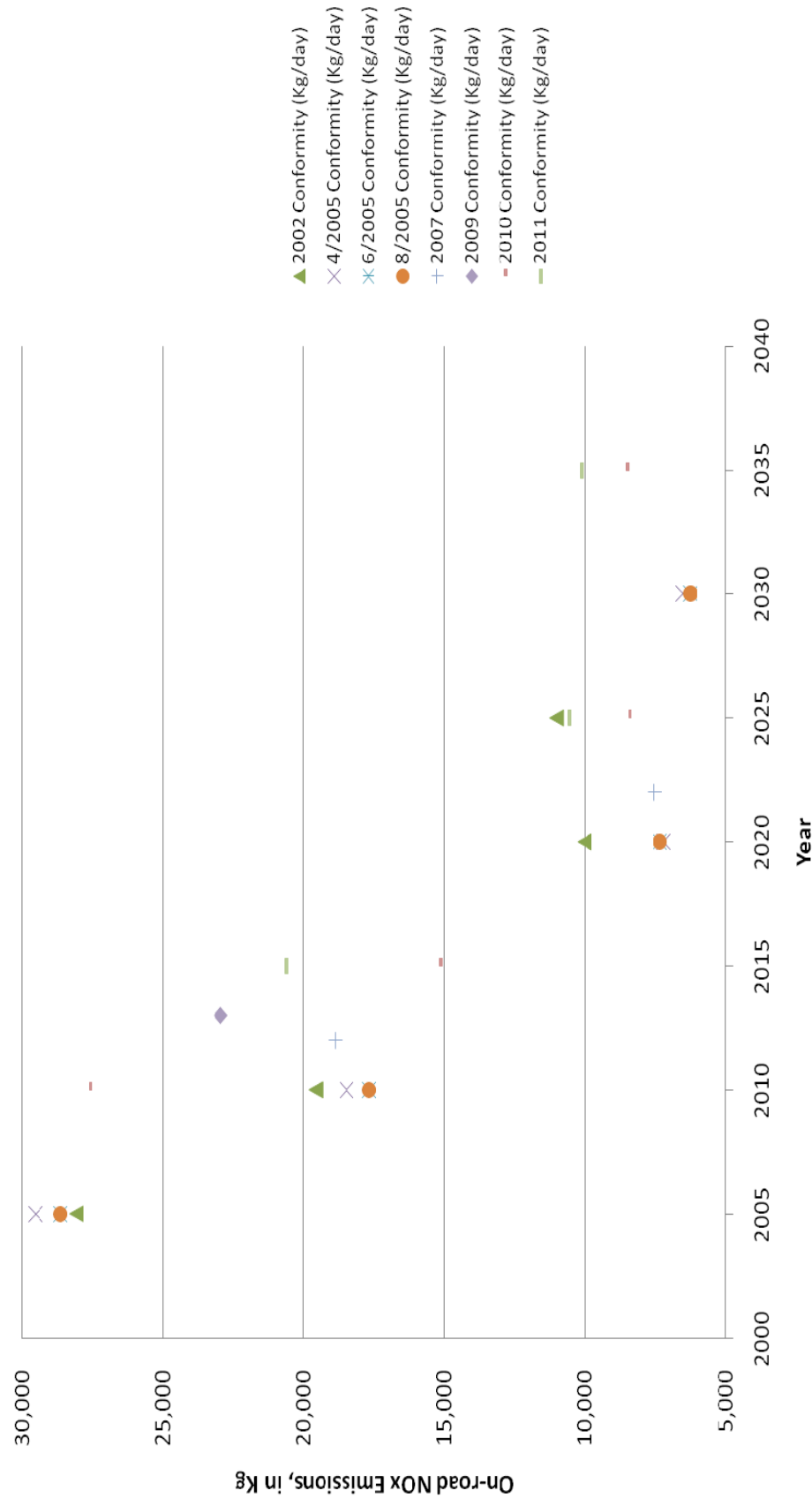


Figure 2. Projected Trend of Mecklenburg Co. VMT and Motor Vehicle NOx Emissions

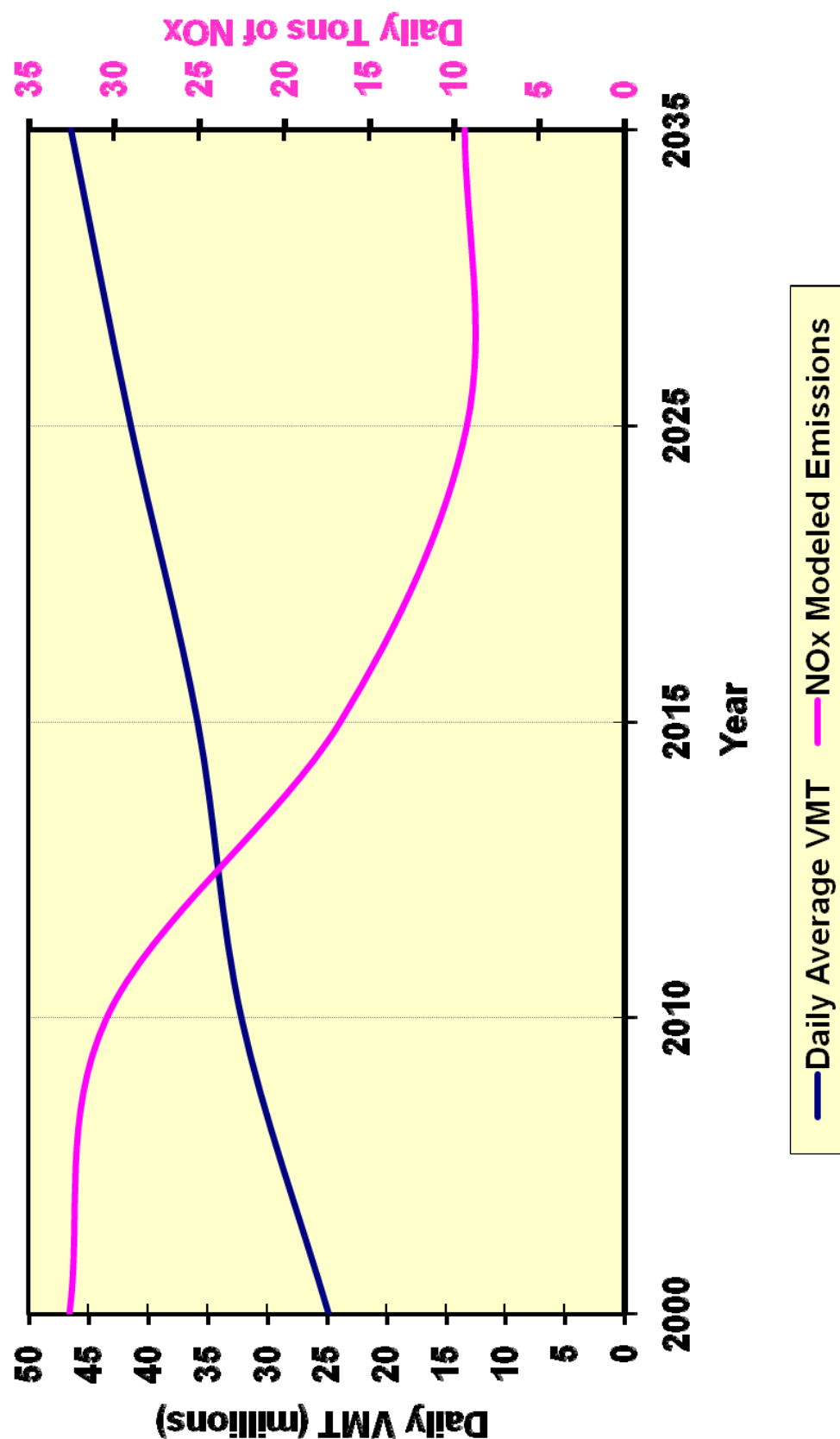
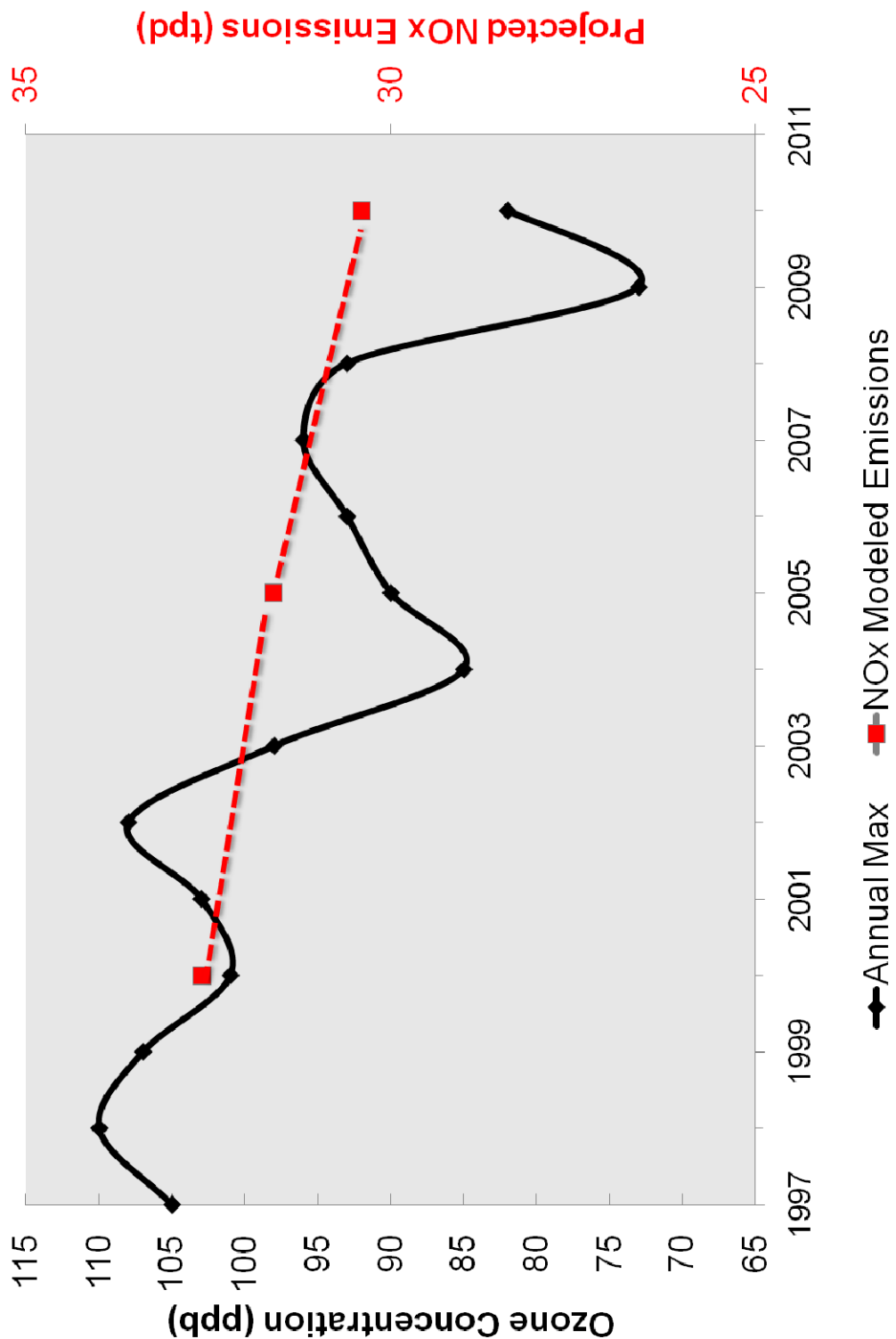
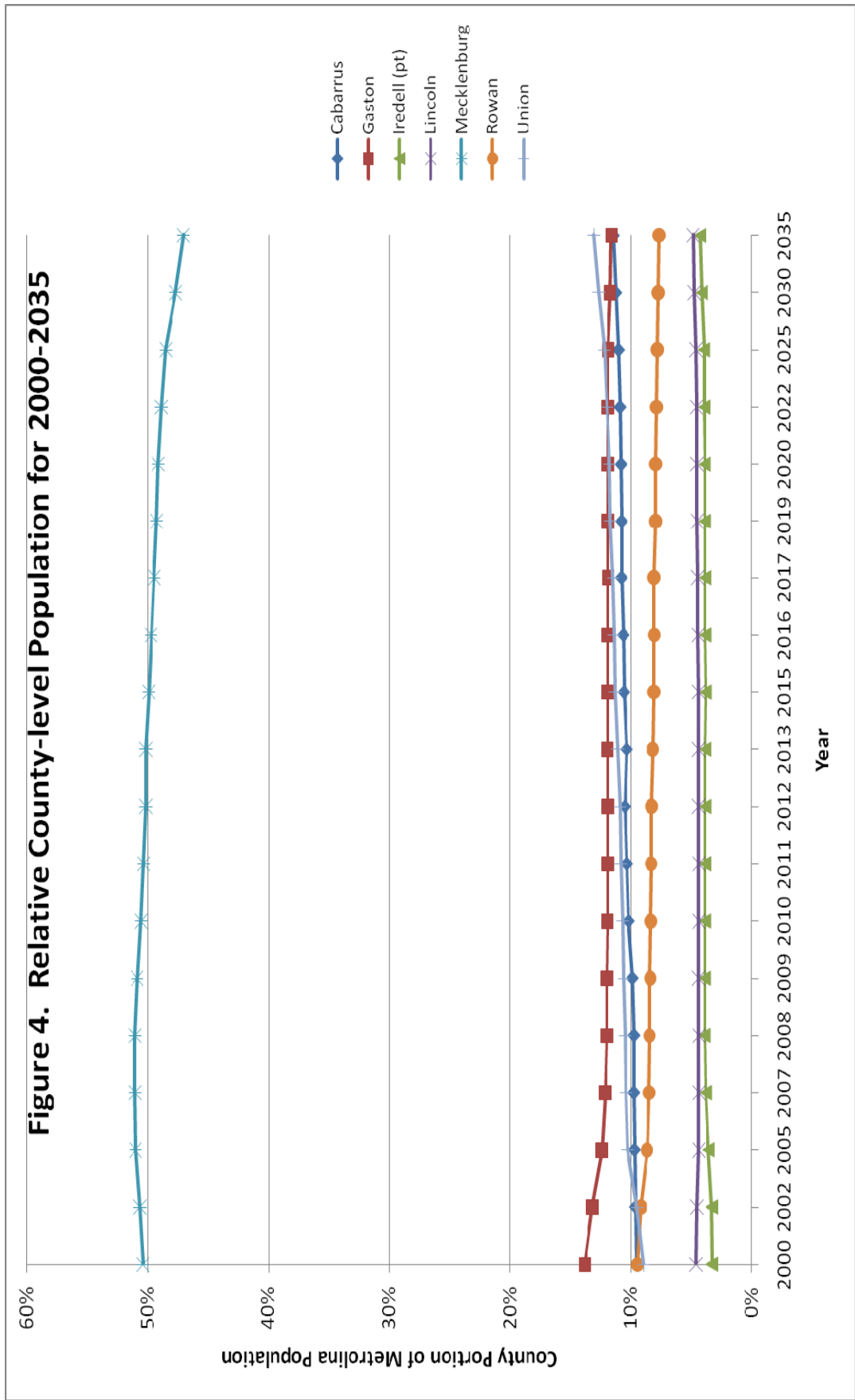


Figure 3. 4th-Hi Ozone & Projected Onroad NOx





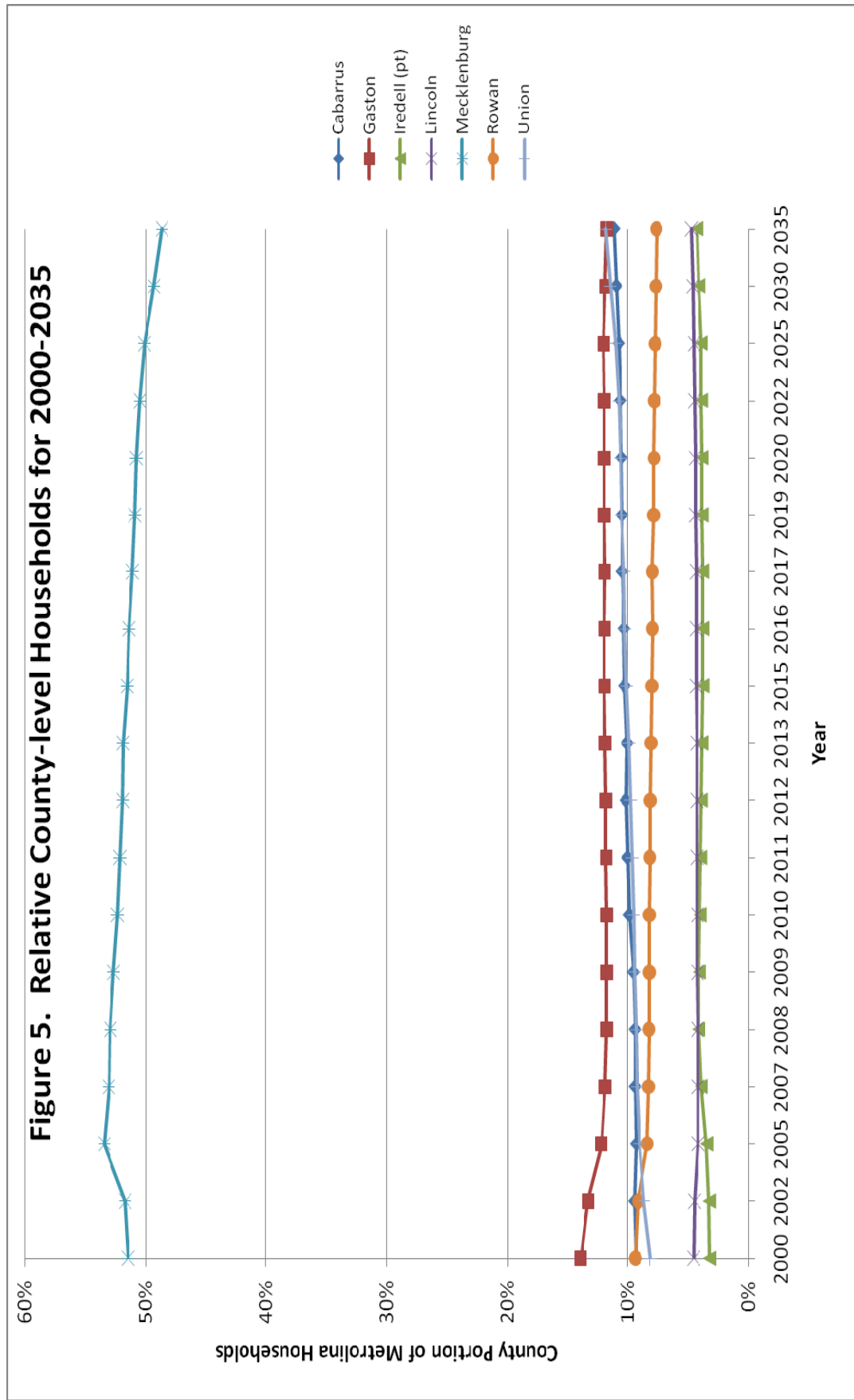


Figure 6. Relative County-level Employment for 2000-2035

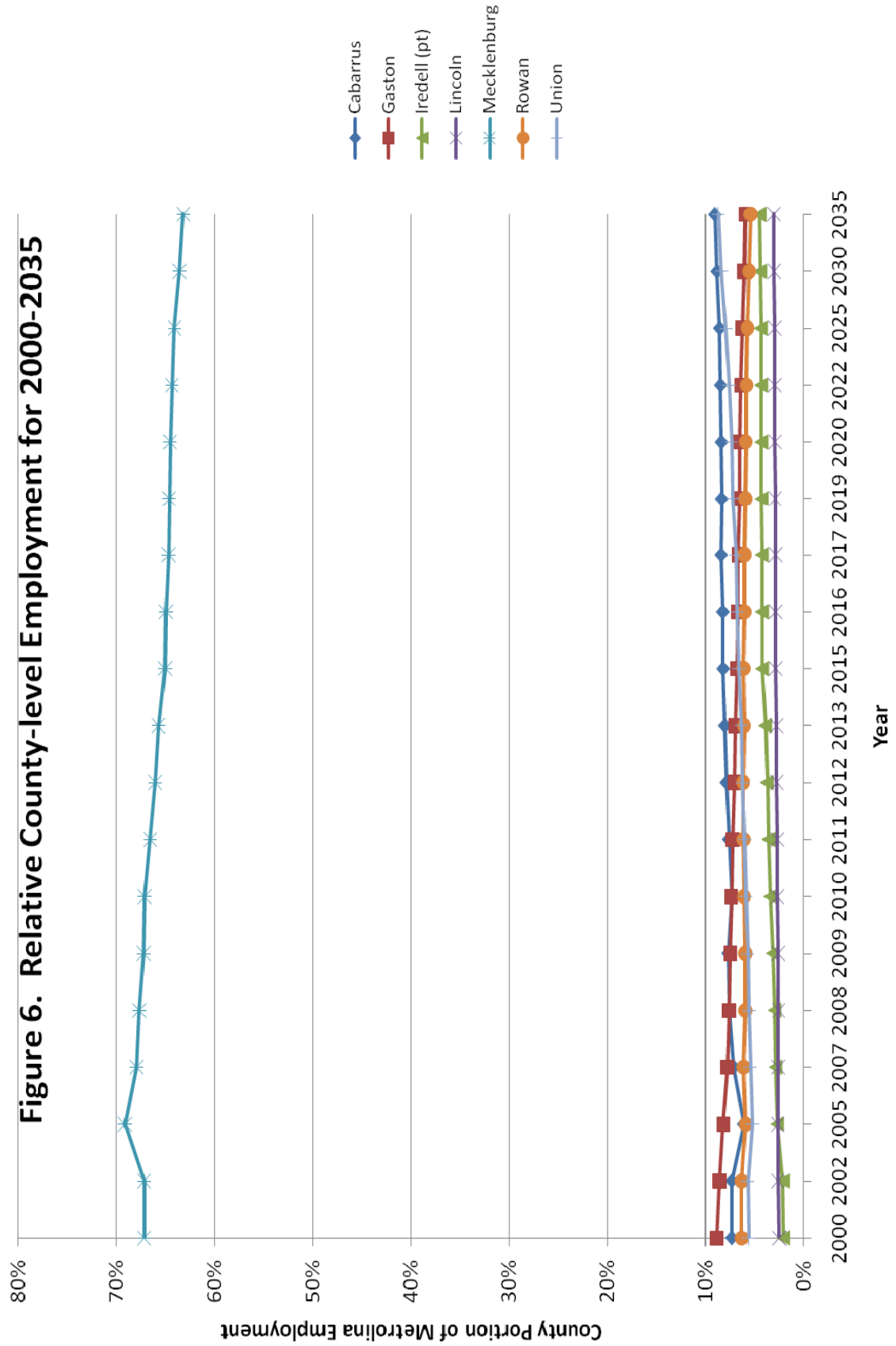
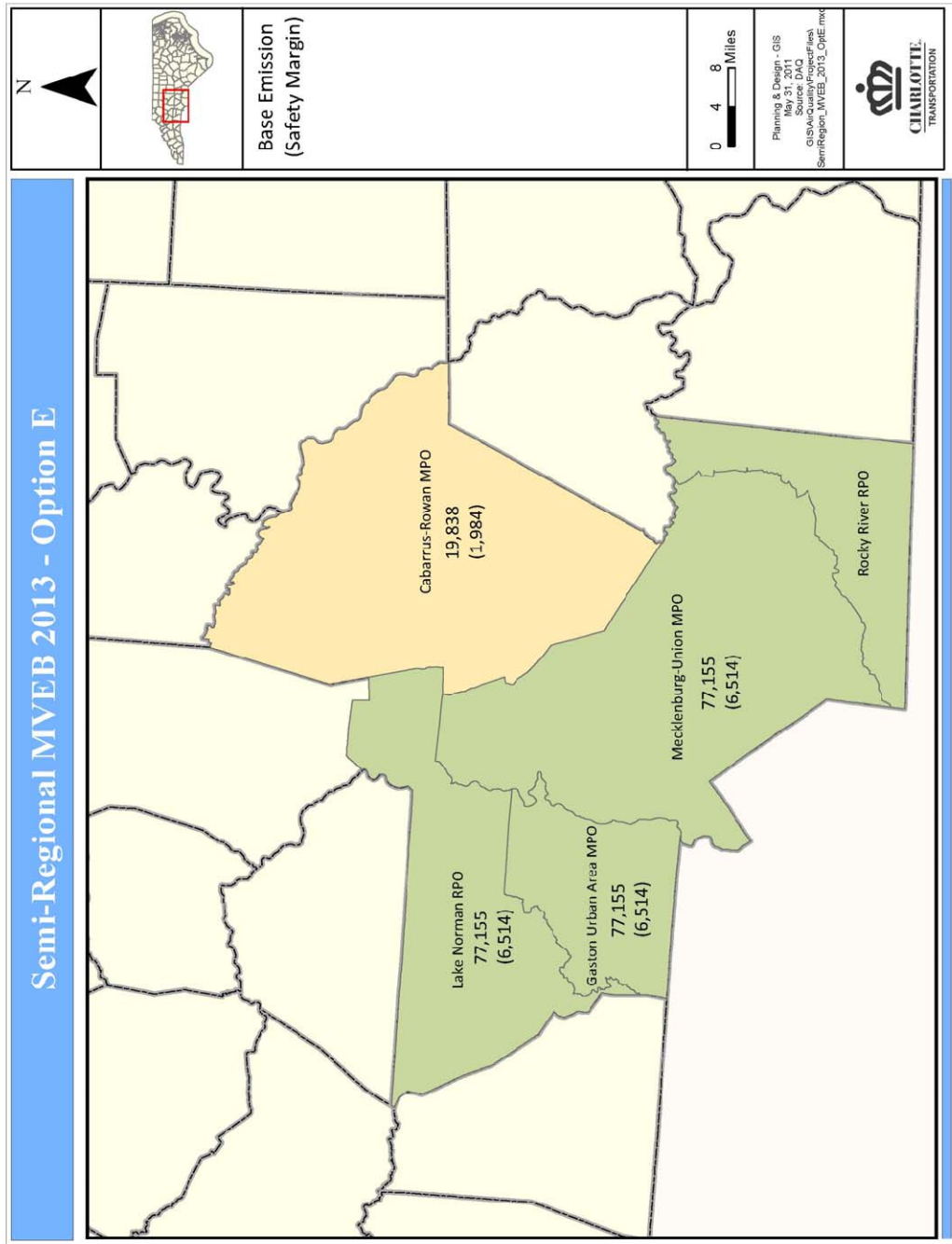


Figure 7.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

June 23, 2011

Ms. Sheila C. Holman, Director
Division of Air Quality
North Carolina Department of
Environment and Natural Resources
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Dear Ms. Holman:

Thank you for your letter dated May 18, 2011, transmitting a prehearing package regarding the proposed redesignation demonstration and maintenance plan for the North Carolina portion of the Charlotte-Gastonia-Rock Hill NC-SC 8-hour Ozone Nonattainment Area. These state implementation plan (SIP) revisions are the subject of a public comment period which began on May 20, 2011, with written comments due by the close of business on June 23, 2011. We have completed our review of the prehearing submittal and have substantive comments regarding (1) North Carolina's demonstration that reasonably available control technology (RACT) for sources subject to control technique guidelines (CTGs) has been adequately addressed, and (2) the adequacy of the contingency measure adoption schedule contained in the maintenance plan. Additional comments are included in the enclosure.

Reasonably Available Control Technology

Section 182 (b)(2) of the Clean Air Act requires RACT controls for all sources addressed by CTGs in areas classified moderate and above. For the Charlotte 1997 8-hour ozone nonattainment area, these rules would have to be submitted and approved in order for the redesignation to be approved. Not addressing RACT for sources with emissions less than 100 tons per year is not consistent with this requirement.

The plan states that several rules addressing volatile organic compounds have been adopted for toxics purposes and have been submitted for inclusion in the SIP. However, the redesignation request states that applicability for the Charlotte Area is only state effective and has not been submitted to U.S. Environmental Protection Agency for federal approval and is not federally enforceable. Having RACT for several CTG categories be only state enforceable is inconsistent with the statutory RACT requirement for CTG sources cited previously. Please make the clarification that the rules have been or will be submitted for federal approval.

Contingency Plan

The contingency plan section should be strengthened to meet the requirements of Clean Air Act section 175A and the September 4, 1992, EPA Redesignation Guidance (Procedures for Processing Requests to Redesignate Areas to Attainment, aka, the Calcagni memo). The Calcagni Memo states that "The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State."

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EPA has consistently required that adoption and implementation of contingency measures be completed within 18 to 24 months from a trigger. The May 1 and January 1 dates given for analysis and rule adoption fall within that 18 to 24 month timeframe (complete analysis and adoption occurring anywhere from 14 to 21 months, unless legislative review is required) but it is not clear when implementation would occur following adoption of measures. The plan only states that North Carolina commits to implement within 24 months at least one of the measures. Please ensure that the contingency measure adoption schedule is abundantly clear and that the state commits to adopt one of the measures indicated in the plan within 24 months of a trigger, regardless of whether or not legislative review is required.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Jane Spann, Acting Chief, Regulatory Development Section at (404) 562-9029, or have your staff contact Nacosta Ward at (404) 562-9140.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Schutt". The signature is fluid and cursive, with the first name "Richard" being more prominent.

Richard A. Schutt
Chief
Air Planning Branch

Enclosure

Additional Comments for the North Carolina – Charlotte 8-hour Ozone Redesignation Prehearing

General Comments - Comments that EPA feels would strengthen North Carolina's redesignation request and maintenance plan.

1. Page 2-7, Section 2.3 – For clarity and completeness, please add the pollutants that are reduced as a result of the local programs listed in this section.
2. Page 3-12, Section 3.3.2 - There is no discussion whether or not the 2010 emissions inventory represents actual point source emissions as required for a redesignation. From Appendix B.1, it appears that the 2009 actual point source emissions were projected to 2010 for the base year inventories. The point source inventory for the 2010 baseline inventory should represent actual emissions for 2010. Please clarify that the 2010 point source emissions in the redesignation meet this requirement and that actual 2010 emissions were used where available, particularly for significant point sources.
3. Page 2-8, Table 2-5 – The table presents emissions from EGUs in and near the nonattainment area for the 2nd and 3rd quarters of 2002-2010. The submittal makes the assertion that the 50 percent reduction in NOx emissions since 2002 from these facilities are permanent and enforceable. However, emissions for 2010 were nearly 23% higher than 2009. A list of controls installed, dates of installation, and expected reductions would strengthen the argument. It would be more accurate to change the wording of the last sentence of the first paragraph on page 2-8 to indicate that the NOx SIP call reductions are permanent and enforceable.
4. Page 3-2, Section 3.2 - It states that “Each component of the State’s foundation control program is essential in demonstrating maintenance of the air quality standards.” And then goes on to list the federal and state measures that are included in the foundation control program. The state measures listed include, among others, the I/M program, the Clean Smokestacks Act, heavy duty diesel engine gap filling requirements and an open burning regulation.
 - a. The Clean Smokestacks Act was submitted to EPA for approval into the federally approved SIP and the proposed rule notice was published on June 22, 2011 (76 FR 36468).
 - b. A note should be added to the narrative to indicate that the I/M program and open burning regulations have been submitted for federal approval.
5. Page 4-2, Section 4.3 – Of the four motor vehicle emissions budget (MVEBs) options presented in the prehearing, EPA prefers option A which sets separate budgets for each county. If Option B or D is ultimately chosen, it should be clarified that the additional Mecklenburg County budgets are sub-budgets of the overall MPO/RPO budget which also includes Mecklenburg County (i.e., table 4-15 (note: there are two tables labeled 4-15) budgets for Mecklenburg County are included in the budgets in table 4-13). Currently, it could appear that the additional Mecklenburg budget is a separate budget. The final redesignation submittal should indicate how public comments were used to make the option selection.
6. Please include the conversion factor or process used to convert between tons per day and kg per day when calculating MVEBs. EPA cannot make this interpretation for the State.

Other Comments – Comments such as typographical or editorial errors and may also include suggestions for clarification.

7. Page 3-1 - It states that "...NCDAQ has implemented programs that will remain enforceable..." and goes on to say "Sources are prohibited from reducing emission controls (anti-backsliding) following the redesignation of the area unless such a change is first approved by the USEPA as a revision to the NC SIP that is consistent with Section 110(l) of the CAA." But this section does not specify what those controls are. So, it appears that even state only approved measures will fall into this category when in fact they won't.
8. Appendix B clearly states that the emissions inventories were calculated on a ton per summer day basis. NC should consider making this distinction in the narrative as well.



North Carolina Department of Environment and Natural Resources

Division of Air Quality

Sheila C. Holman

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 2, 2011

Scott Davis
Chief, Air Planning Branch
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Mr. ^{Scott} Davis:

Thank you for your letter dated June 23, 2011, transmitting your comments on the pre-hearing draft Redesignation Demonstration and Maintenance Plan for Charlotte-Gastonia-Rock Hill, NC-SC 1997 8-hour Ozone Nonattainment Area. The United States Environmental Protection Agency's (USEPA's) review provided two substantial comments and a number of general comments on the pre-hearing draft package. The North Carolina Division of Air Quality's (NCDAQ's) response to the two substantial comments is below and the attachment addresses the remaining general comments.

Reasonable Available Control Technology

USEPA comment: Section 182(b)(2) of the Clean Air Act requires RACT controls for all sources addressed by CTGs in areas classified moderate and above. For the Charlotte 1997 8-hour ozone nonattainment area, these rules would have to be submitted and approved in order for the redesignation to be approved. Not addressing RACT for sources with emissions less than 100 tons per year is not consistent with this requirement.

NCDAQ response: The NCDAQ learned recently that the USEPA had concerns with North Carolina's applicability rule for RACT (15A North Carolina Administrative Code (NCAC) 2D.0902) which was submitted to the USEPA for adoption in to the North Carolina SIP in April 2007 and again in January 2008. The NCDAQ will work with the USEPA to address their concerns with the Metrolina RACT SIP as quickly as possible.

USEPA comment: The plan states that several rules addressing volatile organic compounds have been adopted for toxics purposes and have been submitted for inclusion in the SIP. However, the redesignation request states that applicability for the Charlotte Area is only state effective and has not been submitted to U.S. Environmental Protection Agency for federal approval and is not federally enforceable. Having RACT for several CTG categories be only state enforceable is inconsistent with the statutory RACT requirement for CTG sources cited previously. Please make the clarification that the rules have been or will be submitted for federal approval.

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
2728 Capital Blvd., Raleigh, NC 27604
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NCDAQ response: The wording in the draft redesignation request was incorrect. The applicability of the rules the USEPA is referring to were federally approved into the SIP in August 2001. Additionally, the applicability rule mentioned above (15A NCAC 2D .0902) was submitted to the USEPA for adoption into the SIP in April 2007 and in January 2008. These submissions include the statewide applicability of the rules referred to by the USEPA. This error has been corrected.

Contingency Plan

USEPA Comment: The contingency plan section should be strengthened to meet the requirements of Clean Air Act section 175A and the September 4, 1992, EPA Redesignation Guidance (Procedures for Processing Requests to Redesignate Areas to Attainment, aka, the Calcagni memo). The Calcagni Memo states that "The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State." EPA has consistently required that adoption and implementation of contingency measures be completed within 18 to 24 months from a trigger. The plan only states that North Carolina commits to implement within 24 months at least one of the measures. Please ensure that the contingency measure adoption schedule is abundantly clear that the state commits to adopt one of the measures indicated in the plan within 24 months of a trigger, regardless of whether or not legislative review is required.

NCDAQ response: The wording has been changed to state "The NCDAQ commits to implement within 24 months of a primary or secondary trigger, or as expeditiously as practicable, at least one of the control measures listed above or other contingency measures that may be determined to be more appropriate based on the analyses performed."

The remaining general comments are discussed in the attachment. We look forward to continuing to work with you and your staff. If you should have any questions, please contact Laura Boothe of my staff at (919) 733-1488.

Sincerely,



Sheila C. Holman

SCH/lab

Attachment

cc: Michael Abraczinskas
Laura Boothe
Jane Spann

Attachment: Response to General Comments provided by the United States Environmental Protection Agency (USEPA)

The following are general comments that the USEPA feels would strengthen North Carolina's redesignation request and maintenance plan for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area.

1. Page 2-7, Section 2.3 – For clarity and completeness, please add the pollutants that are reduced as a result of the local programs listed in this section.

Response: The pollutants that are reduced as a result of the local program's measures listed in Section 2.3 were added.

2. Page 3-12, Section 3.3.2 - There is no discussion whether or not the 2010 emissions inventory represents actual point source emissions as required for a redesignation. From Appendix B.1, it appears that the 2009 actual point source emissions were projected to 2010 for the base year inventories. The point source inventory for the 2010 baseline inventory should represent actual emissions for 2010. Please clarify that the 2010 point source emissions in the redesignation meet this requirement and that actual 2010 emissions were used where available, particularly for significant point sources.

Response: The actual 2010 point source emissions inventory will not be available until December 2011. However, for the facilities that report to the USEPA's Clean Air Markets Division (CAMD), significant point sources for nitrogen oxides (NO_x) emissions, the North Carolina Division of Air Quality (NCDAQ) used the actual 2010 data from the CAMD database. For the remaining major sources, the latest available data from 2009 was used and grown to 2010 using the USEPA's EGAS (Economic Growth Analysis System) growth projection model. The NCDAQ believes this inventory used for the maintenance plan is representative of 2010 emissions.

3. Page 2-8, Table 2-5 – The table presents emissions from EGUs [Electric Generating Units] in and near the nonattainment area for the 2nd and 3rd quarters of 2002-2010. The submittal makes the assertion that the 50 percent reduction in NO_x emissions since 2002 from these facilities are permanent and enforceable. However, emissions for 2010 were nearly 23% higher than 2009. A list of controls installed, dates of installation, and expected reductions would strengthen the argument. It would be more accurate to change the wording of the last sentence of the first paragraph on page 2-8 to indicate that the NO_x SIP [State Implementation Plan] call reductions are permanent and enforceable.

Response: The last sentence has been changed to read "The NO_x SIP Call emission reductions are permanent and enforceable."

4. Page 3-2, Section 3.2 - It states that “Each component of the State’s foundation control program is essential in demonstrating maintenance of the air quality standards.” And then goes on to list the federal and state measures that are included in the foundation control program. The state measures listed include, among others, the I/M [Inspection and Maintenance] program, the Clean Smokestacks Act, heavy duty diesel engine gap filling requirements and an open burning regulation.
- a. The Clean Smokestacks Act was submitted to EPA for approval into the federally approved SIP and the proposed rule notice was published on June 22, 2011 (76 FR 36468).
 - b. A note should be added to the narrative to indicate that the I/M program and open burning regulations have been submitted for federal approval.

Response: The following language was added to the three programs listed in comment 4a and 4b.

Clean Smokestacks Act: This State law was submitted to the USEPA for adoption into the SIP in August 2009, however, the USEPA has not yet approved it into the SIP. These emission reductions are currently state enforceable, however, once the USEPA has federally approved the law into the SIP, these emission reductions will be federally enforceable as well.

I/M rule: The rule for the I/M program was submitted to the USEPA for adoption into the SIP in August 2002 and was federally approved in October 2002. Therefore, these emission reductions are both state and federally enforceable.

Open burning rule: The open burning rule was submitted to the USEPA for adoption into the SIP in March 2006, however, the USEPA has not yet approved the adoption of this rule into the SIP. These emission reductions are currently state enforceable, however, once the USEPA has federally approved the rule into the SIP, these emission reductions will be federally enforceable as well.

5. Page 4-2, Section 4.3 – Of the four motor vehicle emissions budget (MVEBs) options presented in the prehearing, EPA prefers option A which sets separate budgets for each county. If Option B or D is ultimately chosen, it should be clarified that the additional Mecklenburg County budgets are sub-budgets of the overall MPO/RPO budget which also includes Mecklenburg County. Currently, it could appear that the additional Mecklenburg budget is a separate budget. The final redesignation submittal should indicate how public comments were used to make the option selection.

Response: The NCDAQ appreciates the USEPA comments regarding the establishment of MVEBs. The NCDAQ will take this comment into consideration along with the other comments received by transportation partners. The final documentation will outline the comments received and how these comments were used to make the final option selection.

6. Please include the conversion factor or process used to convert between tons per day and kg [kilograms] per day when calculating MVEBs. EPA cannot make this interpretation for the State.

Response: The following language has been added to Appendix B.3 On-road Mobile Source Documentation:

The MOVES model reports emissions out several decimal places and for this plan the emissions have been rounded to the second decimal place. The conversion to kilograms used the actual emissions reported in the MOVES model. The conversion was done utilizing the “CONVERT” function in an EXCEL spreadsheet.

Other Comments – Comments such as typographical or editorial errors and may also include suggestions for clarification.

7. Page 3-1 - It states that “...NCDAQ has implemented programs that will remain enforceable...” and goes on to say “Sources are prohibited from reducing emission controls (anti-backsliding) following the redesignation of the area unless such a change is first approved by the USEPA as a revision to the NC SIP that is consistent with Section 110(l) of the CAA.” But this section does not specify what those controls are. So, it appears that even state only approved measures will fall into this category when in fact they won’t.

Response: The above mentioned paragraph was changed as follows:

The NCDAQ has implemented programs and submitted rules and laws to be adopted into the SIP. Once these rules and laws have been approved into the SIP by the USEPA, these programs will remain enforceable and are hereby submitted as the plan to ensure that maintenance of the 1997 8-hour ozone standard will continue. Sources are prohibited from reducing emission controls (anti-backsliding), for controls due to rules or laws that have been submitted to the USEPA for adoption into the SIP, following the redesignation of the area unless such a change is first approved by the USEPA as a revision to the North Carolina SIP that is consistent with Section 110(l) of the Clean Air Act.

8. Appendix B clearly states that the emissions inventories were calculated on a ton per summer day basis. NC should consider making this distinction in the narrative as well.

Response: Language has been added to Section 3 of the narrative that makes the distinction that the emissions inventory is for a summer day.

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
PUBLIC NOTICE**

PURPOSE: The North Carolina Department of Environment and Natural Resources, Division of Air Quality (NCDAQ) hereby gives notice of its Pre-Hearing Draft of the Supplement to the North Carolina 1997 8-Hour Ozone Redesignation Demonstration and Maintenance Plan for the Charlotte-Gastonia-Rock Hill, NC-SC Nonattainment Area.

Persons wishing to submit written requests for a public hearing or comments are invited to do so.

**REQUESTS FOR A
PUBLIC HEARING:**

Requests for a public hearing must be in writing and include a statement supporting the need for such a hearing, an indication of your interest in the subject, and a brief summary of the information intended to be offered at such hearing. Written requests for a public hearing must be received no later than Monday, June 20, 2011.

If a public hearing is requested, the hearing will be held at 3:00pm on Thursday, June 23, 2011, at the Hal Marshall Center, Auditorium 1, 700 North Tryon Street, Charlotte, NC. If a public hearing is not requested, a cancellation notice will be posted on Tuesday, June 21, 2011 on the NCDAQ website by selecting Public Notices, <http://www.ncair.org/calendar/> or by calling 919-733-1115.

COMMENT PROCEDURES: All persons wishing to comment shall submit written comments for inclusion in the record of proceedings regarding the noticed item. Written comments should be received no later than Thursday, June 23, 2011.

INFORMATION: Written requests for a public hearing or comments can be electronically submitted or sent to the following:
daq.publiccomments@ncdenr.gov
Please type "Metrolina Redesignation" in the subject line

Ms. Laura Boothe
NC Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
Phone: (919) 733-1488
Fax: (919) 715-7476

The North Carolina Redesignation Demonstration and Maintenance Plan may be downloaded from the NCDAQ website at
http://www.ncair.org/planning/nc_sip.shtml

The Noticed Item may be reviewed in person during normal business hours at the following offices:

NCDAQ, Raleigh Central Office, Planning Section	919-733-1115
NCDAQ, Mooresville Regional Office	704-663-1699
Mecklenburg County Air Quality Office	704-336-5430

Date: 5/17/11


Sheila C. Holman, Director

North Carolina) ss
Mecklenburg County)

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Charlotte, NC
Affidavit of Publication

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Before the undersigned, a Notary Public of said County and State, duly authorized to administer oaths affirmations, etc., personally appeared, being duly sworn or affirmed according to law, doth depose and say that he/she is a representative of The Charlotte Observer Publishing Company, a corporation organized and doing business under the laws of the State of Delaware, and publishing a newspaper known as The Charlotte Observer in the city of Charlotte, County of Mecklenburg, and State of North Carolina and that as such he/she is familiar with the books, records, files, and business of said Corporation and by reference to the files of said publication, the attached advertisement was inserted. The following is correctly copied from the books and files of the aforesaid Corporation and Publication.

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Date: _____
Sheila C. Holman, Director

LP17289

AD SPACE: 124 LINE
FILED ON: 05/26/11

NAME: Supasthian TITLE: acct clerk
DATE: JUN 02 2011

In Testimony Whereof I have hereunto set my hand and affixed my seal, the day and year aforesaid.

Notary: Judith McLean My Commission Expires: 5/17/2016

