

Appendix B

Hearing Report,

Comments Received and Responses

Hearing Officer's Report

Public Hearing on March 20, 2006
For
Redesignation Demonstration and Maintenance
Plan for The Rocky Mount, North Carolina
8-Hour Ozone Nonattainment Area

June 15, 2006

Robert Fisher – Hearing Officer
Regional Supervisor
Washington Regional Office
Washington, North Carolina

Robert P Fisher 6/15/06

Robert Fisher

Date

EXECUTIVE SUMMARY

On March 20, 2006 a Public Hearing for the “Redesignation Demonstration and Maintenance Plan for the Rocky Mount, North Carolina 8-Hour Ozone Nonattainment Area” was held. The hearing was held at the Rocky Mount City Hall Committee Room located at 331 South Franklin Street, Rocky Mount, North Carolina. The purpose of this hearing was to inform interested parties on the 8-hour ozone redesignation demonstration and maintenance plan and to solicit comments from the public. The public comment period closed April 7, 2006. Note that the comment period was extended beyond the original deadline of March 31, 2006 to account for delays in getting the document up on the North Carolina Division of Air Quality’s (NCDAQ’s) website.

According to the Public Hearing Registration Forms, a total of nine (9) non-NCDAQ people attended the Public Hearing and three (3) people registered to speak. Written comments were received from the United States Environmental Protection Agency (USEPA) and the North Carolina Department of Transportation (NCDOT). It is my opinion that the concerns raised by the interested parties can be adequately addressed by NCDAQ.

Based on the information contained in this report, I recommend the following:

I recommend that the “Redesignation Demonstration and Maintenance Plan for the Rocky Mount, North Carolina 8-Hour Ozone Nonattainment Area” be approved after addressing the concerns received by the USEPA and NCDOT.

Hearing Officer's Report
for
Redesignation Demonstration and Maintenance Plan
for The Rocky Mount, North Carolina
8-Hour Ozone Nonattainment Area

June 15, 2006

Robert Fisher

On March 20, 2006 a public hearing for the Redesignation Demonstration and Maintenance Plan for the Rocky Mount, North Carolina 8-Hour Ozone Nonattainment Area was held. The hearing was held at the Rocky Mount City Hall Committee Room located at 331 South Franklin Street, Rocky Mount, North Carolina. The purpose of this hearing was to inform interested parties on the 8-hour ozone redesignation demonstration and maintenance plan and to solicit comments from the public. The public comment period closed April 7, 2006. Note that the comment period was extended beyond the original deadline of March 31, 2006 to account for delays in getting the document up on the North Carolina Division of Air Quality's (NCDAQ's) website.

Background

The area surrounding Rocky Mount, North Carolina was designated nonattainment for the 8-hour ozone NAAQS on April 30, 2004 (69 Federal Register 23858). The Rocky Mount nonattainment area includes both Edgecombe and Nash Counties. The nonattainment designation was an action taken by the U. S. Environmental Protection Agency (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 monitor in this area had a design value of 0.089 parts per million (ppm).

The ozone monitor is in the small community of Leggett, located east of Rocky Mount in Edgecombe County, and is the only ozone monitor in this nonattainment area. The latest design value for the monitor is 0.079 ppm based on the data from 2003-2005, and is therefore in attainment of the 8-hour ozone NAAQS, and 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 Rocky Mount area. These actions include implementing the on-board diagnostic vehicle inspection and maintenance program that began on January 1, 2005, 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 NO_x SIP Call, the Clean Smokestacks legislation, and heavy-duty engine stop-gap rule for model years 2005 and 2006. 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, and the Clean Air Interstate Rule.

North Carolina is requesting that the USEPA redesignate the Rocky Mount nonattainment area to attainment. The monitor data clearly shows that the region has attained the 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 listed above.

Summary of Public Hearing and Comment Period

According to the Public Hearing Registration Forms, a total of nine (9) non-NCDAQ people attended the Public Hearing and three (3) people registered to speak. Written comments were received from the USEPA and the North Carolina Department of Transportation (NCDOT).

The public hearing comment period was open until 5:00 on April 7, 2006. During the public comment period, no phone calls were received. Three people spoke at the public hearing: Lorenzo Carmon, Edgecombe County Manager; John Gessaman, President of Carolinas Gateway Partnership; and Robert Murphy, Nash County Manager. Two written comments were received (attached). The USEPA responded in a letter dated April 7, 2006 and the NCDOT responded via email on March 15, 2006.

The three people that spoke at the public hearing all spoke in favor of the redesignation demonstration and maintenance plan.

The following is a summary of the pertinent comments, with regards to NCDAQ's jurisdiction, raised by all parties involved in the public hearing process along with the Hearing Officer's opinions and recommendations.

NCDOT: Behshad Norowzi submitted written comments pointing out the vehicle age distribution file used in one of the MOBILE model run. Mr. Norowzi also requested higher safety margins be applied to the motor vehicle emission budgets.

Hearing Officer's Response: NCDAQ should use the correct file in the MOBILE model run and should take under advisement NCDOT's concern about the safety margin.

USEPA: Kay T. Prince submitted written comments. These comments were requests for clarification or additional information be added to particular sections of the narrative and appendices.

Hearing Officer's Response: NCDAQ should address all of USEPA's comments in their final submittal.

Recommendation:

Based on the information contained in this report, I recommend the following:

I recommend that the “Redesignation Demonstration and Maintenance Plan for the Rocky Mount, North Carolina 8-Hour Ozone Nonattainment Area” be approved after addressing the concerns received by the USEPA and NCDOT.

Attachments to Report:

- (1) Written comments from Kay T. Prince, Chief of the Air Planning Branch of the USEPA dated April 7, 2006.
- (2) Written comments via email from Behshad Norowzi, with the North Carolina Department of Transportation, received March 15, 2006.

RPF/lab

cc: Central Files (with original letters and registration information)
Laura Boothe, RCO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

Laura

APR 07 2006

4APT-APB

Mr. B. Keith Overcash, P.E., Director
Division of Air Quality
North Carolina Department of Environment
And Natural Resources
1641 Mail Service Center
Raleigh, NC 27699-1641



Dear Mr. Overcash:

Thank you for your letter dated March 2, 2006, transmitting a draft of the 8-hour ozone redesignation and maintenance plan for the Rocky Mount, North Carolina nonattainment area. We have completed our review of the submittal and offer the following comments on the draft redesignation and maintenance plan:

1. Page 2-3: We suggest citing and describing those power plants subject to the NOx SIP Call, e.g., Roxoboro and Mayo, as the source of reductions contributing in the attainment of the national ambient air quality standards (NAAQS) at the Leggett monitor. The amount of those emission reductions should also be included.
2. The regulations and emission reduction programs are cited in the maintenance plan, in section 3.2.1, should be included in the discussion in section 2.3 as permanent and enforceable reductions that contributed towards attainment of the Rocky Mount area. These regulations include the Clean Smokestacks rule, open burning bans, air toxics program and the MACT controls (from Appendix C.1).
3. The large nonroad diesel engines rule is a final rule. The title and discussion in section Large Nonroad Diesel Engines Proposed Rule should change the use of the word "proposed" to "final."
4. Section 2.0 of Appendix C.1 cites the 2003 National Emissions Inventory (NEI) as the source of emissions to use in developing the 2005 and other future year emissions. This should be 2002 NEI instead of 2003.
5. Page 2-2: Quality Assured/Quality Controlled data for the three most recent years must be submitted with the final submittal in order for EPA to take action on this redesignation request.

6. For clarity in the speed tables, we suggest the use of N/A instead of zero.
7. In Appendix C-3, part 1, the statewide barometric pressure was used. Please submit an explanation of why a statewide average pressure was used.
8. Please provide units for table 4.1.5-2 of appendix C-3 and for pages 4.28-4.30.
9. Appendix C-3 references the ASIP document. The final submittal needs to contain sufficient documentation of the ASIP process.
10. Please explain why all interstate travel is nonramp.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Mr. Dick Schutt, Chief, Regulatory Development Section at (404) 562-9033, or have your staff contact Ms. Nacosta C. Ward at (404) 562-9140.

Sincerely,



⁶
Kay T. Prince
Chief
Air Planning Branch

Subject: Rocky Mount SIP Review

From: Behshad Norowzi <bnorowzi@dot.state.nc.us>

Date: Wed, 15 Mar 2006 15:56:09 -0500

To: Laura Boothe <Laura.Boothe@ncmail.net>

Dear Laura,

Please see the following comments:

Vehicle age distribution: The Mobile6.2 input file RMTDM.IN is listing NCage02.prn as the REG DIST file being used while other three input files are using NCage04.prn

Please rerun RMTDM.IN with NCAGE04.prn and recalculate the relevant sections.

This will allow the latest 2004 registration data to be used for all the Mobile6.2 input files used in this effort.

Safety Margin: The suggested 6% and 16% safety margin for 2008 and 2017 are inadequate due to the following reasons:

VMT and speed: MPO and NCDOT are in process of hiring a contractor to update the Rocky Mount Model by this fall. The updated and enhanced model will be used for the next conformity model. Even a moderate change in VMT and Speed could impact the vehicle emission estimates by more than 20%.

Vehicle mix and Vehicle age distribution: New data will be ready by the time of next conformity analysis (2008). These two critical parameters to Mobile6.2 model would certainly change and together they could easily increase the vehicle emission estimates by more 20%.

Alternative approach to calculate safety margin: It will be helpful to look at the AQ facts for the Rocky Mount area from a different angle in order to estimate the size of the a reasonable safety margin. Currently the area is in attainment (based on 2002-2005 monitoring data). Therefore, the 2005 level for total man made emission is an acceptable level.

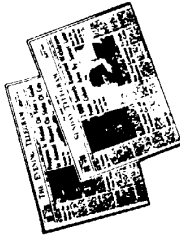
NOx: 2008 and 2017 Highway emissions are 20% and 65% lower than 2005 and total man made NOx emissions for 2008 and 2017 are 15% and 46% lower than 2005. Therefore, I request 15% and 40% safety margin for 2008 and 2017 emission budgets.

Please take into consideration that likely the AQ in Rocky Mount area would continue to improve due to various Federal and state controls. However, small safety margin could make the conformity test difficult and risky for Rocky Mount.

Thanks,
Behshad

LEGAL ADVERTISING INVOICE

No. 25429
I 15019



THE ROCKY MOUNT TELEGRAM

PUBLISHED BY ROCKY MOUNT PUBLISHING COMPANY
ROCKY MOUNT, NORTH CAROLINA 27804

February 15, 2006

NCDENR

1641 Mail Service Center
Raleigh, NC 27699

Attn: Laura Booker

AFFIDAVIT OF PUBLICATION

I solemnly swear that from my personal knowledge and from reference to the files of THE ROCKY MOUNT TELEGRAM, a newspaper printed and published at Rocky Mount, in the COUNTY of Nash, STATE of North Carolina, the Advertisement referred to on this invoice was published on the date(s) indicated.

Sworn to and subscribed before me this

18th day of February, 2006

Notary Public

My Commission Expires 02/19/2008

"That said newspaper at time of publication of this notice was qualified under G.S. 1-597 to publish such legal advertising."

TOTAL INCHES 7'4" AMOUNT DUE \$ 76.85

DESCRIPTION: Notice of Public Hearing

PUBLISHED: February 15, 2006

NORTH CAROLINA
DEPARTMENT OF
ENVIRONMENT &
NATURAL RESOURCES
PUBLIC NOTICE

Notice is hereby given that a public hearing to be held by the North Carolina Department of Environment and Natural Resources, Division of Air Quality, concerning the proposed Ozone Redesignation Demonstration and Maintenance Plan.

PURPOSE: The hearing is intended to inform interested parties of the 8-hour Ozone Redesignation Demonstration and Maintenance Plan for the Rocky Mount non-attainment area.

DATE AND LOCATION: March 20, 2006 from 10:00am to 11:00am at 311 South Franklin Street, Rocky Mount City Hall (Committee Room, 3rd Floor), Rocky Mount, NC 27802.

COMMENT PROCEDURES: All persons interested in these matters are invited to attend the public hearing. Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing officer may limit oral presentation of comments if necessary. Comments will remain open until March 31, 2006, to receive additional written statements.

INFORMATION: Copies of the proposed Ozone Redesignation Demonstration and Maintenance Plan will be made available starting February 17, 2006 and may be downloaded at <http://daq.state.nc.us/planning/nc-sp.shtml>. The document may also be reviewed at the offices of the North Carolina Department of Environment and Natural Resources, Division of Air Quality, located in Raleigh, Planning Section (919-733-1115) or at the City of Rocky Mount, Engineering Department, located at Rocky Mount City Hall (252-972-1129).

Comments should be sent to and additional information concerning the hearings or the proposals may be obtained by contacting: Ms. Laura Booker, Division of Air Quality, 1641 Mail Service Center, Raleigh, NC 27699-1641. Phone: (919) 733-1488 Fax: (919) 715-7475

2/15, 2006

AFFIDAVIT OF PUBLICATION

NORTH CAROLINA.
Wake County.) Ss.

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES PUBLIC NOTICE

Notice is hereby given for a public hearing to be held by the North Carolina Department of Environment and Natural Resources, Division of Air Quality, concerning the proposed 8-hour Ozone Redesignation Demonstration and Maintenance Plan.

PURPOSE: The hearing is intended to inform interested parties on the 8-hour Ozone Redesignation Demonstration and Maintenance Plan for the Rocky Mount non-attainment area.

DATE AND LOCATION: March 20, 2006 from 4:00-5:00 pm at 331 South Franklin Street, Rocky Mount City Hall (Committee Room, 3rd Floor), Rocky Mount, NC 27802.

COMMENT PROCEDURES: All persons interested in these matters are invited to attend the public hearing. Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing officer may limit oral presentation lengths if many people want to speak. The hearing record will remain open until March 31, 2006, to receive additional written statements.

INFORMATION: Copies of the proposed 8-hour Ozone Redesignation Demonstration and Maintenance Plan will be made available starting February 17, 2006 and may be downloaded at <http://doq.state.nc.us/planning/ncslp.shtml>. The document may also be reviewed at the offices of the North Carolina Department of Environment and Natural Resources, Division of Air Quality, located in:

Raleigh, Planning Section 919-733-1115
or at the City of Rocky Mount Engineering Department, located at:

Rocky Mt. City Hall 252-972-1129

Comments should be sent to and additional information concerning the hearings or the proposals may be obtained by contacting:

Ms. Laura Boathe
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641
Phone: (919) 733-1468
Fax: (919) 735-7476

doq.publiccomments@ncmail.net (Note: In the subject line type Rocky Mount Redesignation)

Date: 2/16/06

/s/ B. Keith Overcash, P.E., Director
N&O: February 17, 2006

Before the undersigned, a Notary Public of Chatham County North Carolina, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Debra Peebles, who, being duly sworn or affirmed, according to law, doth depose and say that she is Billing Manager-Legal Advertising of The News and Observer a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News and Observer, in the City of Raleigh, Wake County and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such she makes this affidavit; that she is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for DEHNR was inserted in the aforesaid newspaper on dates as follows: 02/17/06

Account Number: 71576702

The above is correctly copied from the books and files of the aforesaid Corporation and publication.



Debra Peebles, Billing Manager-Legal Advertising
Wake County, North Carolina

Sworn or affirmed to, and subscribed before me, this
20 day of FEBRUARY, 2006 AD, by Debra Peebles.

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

Janet Scroggs
Janet Scroggs, Notary Public

My commission expires 14th of March 2009.



North Carolina Department of Environment and Natural Resources
Division of Air Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
B. Keith Overcash, P.E., Director

June 19, 2006

Kay T. Prince
Chief, Air Planning Branch
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Dear Ms. Prince: *Kay*

Thank you for your April 7, 2006 comments on the pre-hearing draft redesignation and maintenance plan for the Rocky Mount, North Carolina, 8-hour ozone nonattainment area. Your comments were all either requesting minor corrections to text or asking for additional information on particular sections. These have all been addressed in the final submittal in the sections where the comments cited.

I greatly appreciate you and your staff taking the time to review the pre-hearing draft documentation. If you should have any additional questions or concerns about the final submittal, or feel that we have not adequately addressed your written comments dated April 7, 2006, please contact me at (919) 733-1488. As always, we look forward to continuing to work with you and staff.

Sincerely,

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Robert Fisher

Planning Section

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
2728 Capital Blvd., Raleigh, North Carolina 27604
Phone: 919-715-7670 / FAX 919-715-7476 / Internet: www.ncair.org

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North Carolina Department of Environment and Natural Resources
Division of Air Quality

Michael F. Easley, Governor

William G. Ross, Jr., Secretary
B. Keith Overcash, P.E., Director

June 19, 2006

Behshad Norowzi
North Carolina Department of Transportation
Statewide Planning Branch
1554 Mail Service Center
Raleigh, NC 27699-1554

Dear Mr. *Behshad* Norowzi:

Thank you for your March 15, 2006 comments on the pre-hearing draft redesignation and maintenance plan for the Rocky Mount, North Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

Your first comment pointed out that the wrong vehicle age distribution was used for one of the input files. This has been corrected and the emission estimates have been updated to reflect this change.

Your second comment was a request to increase the safety margin for both years that a motor vehicle emission budget was set. My staff and I discussed your request and have decided that we did not feel comfortable applying as large of a percentage as requested in your email. However, we believe your request has merit and have increased both years by an additional five (5) percent. Therefore, we have added 11% safety margin to 2008 and 21% safety margin to 2017.

If you should have any questions, please contact me at (919) 733-1488. As always, we look forward to continuing to work with you and your agency.

Sincerely,

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Robert Fisher

Planning Section

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
2728 Capital Blvd., Raleigh, North Carolina 27604
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