

Appendix D

Hearing Report,

Comments Received and Responses

Hearing Officer's Report

Public Hearing on April 18, 2007

For

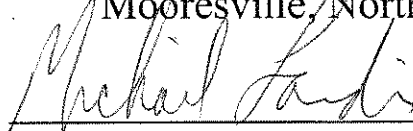
Redesignation Demonstration and Maintenance
Plan for The Raleigh-Durham-Chapel Hill,
North Carolina 8-Hour Ozone Nonattainment
Area

May 1, 2007

Michael Landis – Hearing Officer
Regional Supervisor

Mooresville Regional Office

Mooresville, North Carolina



Michael Landis

5-1-07

Date

EXECUTIVE SUMMARY

On April 18, 2007 a public hearing for the “Redesignation Demonstration and Maintenance Plan for the Raleigh-Durham-Chapel Hill, North Carolina 8-Hour Ozone Nonattainment Area” was held. The hearing was held at the North Carolina Division of Air Quality (NCDAQ) Central Office located at 2728 Capital Boulevard, Raleigh, 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 20, 2007.

According to the Public Hearing Registration Forms, a total of three (3) non-NCDAQ people attended the Public Hearing and no one registered to speak. Only the United States Environmental Protection Agency submitted written comments. However, the comments received were not on the redesignation demonstration and maintenance plan, but rather to inform the NCDAQ about the recent D.C. Circuit Court decision to vacate the 8-hour ozone Phase I implementation rule.

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

I recommend that the “Redesignation Demonstration and Maintenance Plan for the Raleigh-Durham-Chapel Hill, North Carolina 8-Hour Ozone Nonattainment Area” be approved to move forward.

Hearing Officer's Report
for
Redesignation Demonstration and Maintenance Plan
for The Raleigh-Durham-Chapel Hill, North Carolina
8-Hour Ozone Nonattainment Area

May 1, 2007

Michael Landis

On April 18, 2007 a public hearing for the "Redesignation Demonstration and Maintenance Plan for the Raleigh-Durham-Chapel Hill, North Carolina 8-Hour Ozone Nonattainment Area" was held. The hearing was held at the North Carolina Division of Air Quality (NCDAQ) Central Office located at 2728 Capital Boulevard, Raleigh, 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 20, 2007.

Background

The area surrounding Raleigh-Durham-Chapel Hill, North Carolina (i.e. the Triangle area) was designated nonattainment for the 8-hour ozone NAAQS on April 30, 2004 (69 Federal Register 23858). The Triangle nonattainment area includes Durham, Franklin, Granville, Johnston, Orange, Person and Wake Counties and Baldwin, Center, New Hope and Williams Townships in Chatham County. 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 regional design value, the highest monitor's design value, was 0.094 parts per million (ppm).

There are currently eight ozone monitors located throughout the Triangle nonattainment area and the latest regional design value is 0.080 ppm, based on the data from 2004-2006. Therefore, the Triangle area is 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 Triangle area. These actions include implementing the on-board diagnostic vehicle inspection and maintenance program that was phased-in in the Triangle nonattainment area from July 1, 2002 through July 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 NO_x SIP Call rules, 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 Triangle nonattainment area to attainment. The monitoring 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 base 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 three (3) non-NCDAQ people attended the Public Hearing and no one registered to speak. Only the USEPA submitted written comments, however, the comments received were not on the redesignation demonstration and maintenance plan. The USEPA comments, received April 20, 2007, were to inform the NCDAQ about the recent D.C. Circuit Court decision to vacate the 8-hour ozone Phase I implementation rule and that the USEPA does not know how redesignations or any other issues related to 8-hour ozone will be affected by this court decision.

The public hearing comment period was open until April 20, 2007. During the public comment period, no comments were received via phone call or email.

Recommendation:

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

I recommend that the “Redesignation Demonstration and Maintenance Plan for the Raleigh-Durham-Chapel Hill, North Carolina 8-Hour Ozone Nonattainment Area” be approved to move forward.

Attachments to Report:

(1) Written comments from Kay T. Prince, Chief of the Air Planning Branch of the USEPA dated April 20, 2007.

\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

April 20, 2007

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 12, 2007, transmitting a prehearing package requesting parallel processing regarding the redesignation demonstration and maintenance plan of the Raleigh-Durham-Chapel Hill, NC 8-hour ozone nonattainment area. These rules were the subject of a public hearing held on April 18, 2007, with written comments due by the close of business April 20, 2007.

On December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded EPA's Phase 1 of the 8-hour Ozone Implementation Rule implementing the 1997 8-hour ozone NAAQS. The Agency is still considering how to respond to the Court's remand and does not know how redesignations or any other issue related to 8-hour ozone will ultimately be affected by the recent vacature of Phase 1 of the 8-Hour Ozone Implementation Rule. EPA is continuing to work with the Department of Justice regarding this matter. We have completed our review of your submittal. Based on the current 8-hour ozone status of the Raleigh-Durham-Chapel Hill, NC 8-hour ozone nonattainment area and current redesignation guidance, we offer no comments at this time.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Brenda Johnson at (404) 562-9037 or have your staff contact Ms. Nacosta C. Ward at (404) 562-9140.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay T. Prince".

for
Kay T. Prince
Chief
Air Planning Branch

Internet Address (URL) • <http://www.epa.gov>

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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 heard 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 Raleigh-Durham-Chapel Hill nonattainment area.

DATE AND LOCATION: April 18, 2007 from 3:00-5:00pm at 2728 Capital Blvd., Division of Air Quality, Room 1H120 (DENR Training Room), Raleigh, NC 27604.

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 April 20, 2007, to receive additional written statements.

INFORMATION: Copies of the proposed 8-hour Ozone Redesignation Demonstration and Maintenance Plan and may be downloaded at <http://daq.state.nc.us/planning/nc.sip.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

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 27609-1641
Phone: (919) 733-1488
Fax: (919) 715-7476

daq.publiccomments@ncmail.net

(Note: In the subject line type

Raleigh-Durham-Chapel Hill Redesignation)

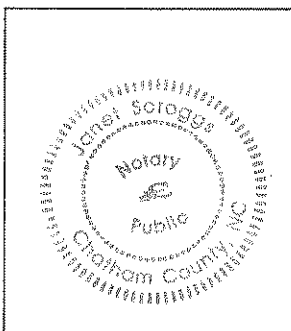
B. Keith Overcash, P.E., Director

N&O: March 16, 2007

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 DENR/DIV. OF AIR QUALITY was inserted in the aforesaid newspaper on dates as follows: 03/16/07

Account Number: 73314880

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
19 day of MARCH, 2007 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, Notary Public

Thom Allen

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& NATURAL RESOURCES
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daq.publiccomments@ncmail.net

(Note: In the subject line type
Raleigh-Durham-Chapel Hill Redesignation)
B. Keith Overcash, P.E., Director

H-S: March 15, 2007

AFFIDAVIT OF PUBLICATION

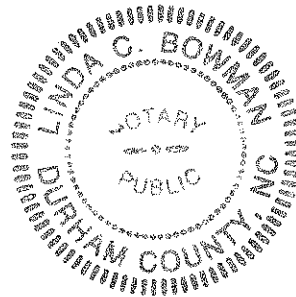
State of North Carolina
County of Durham

Donna B. Minor, being duly sworn, says that she is the Principal Clerk of PMG, LLC, doing business as The Herald-Sun, a newspaper published in and of general circulation in said County, and that a notice of which the annexed is a True Copy, was published in said newspaper one time on the 16th, day of March, 2007.

Donna B. Minor
Principal Clerk

Sworn to and subscribed before me this 19th day of March, 2007.

Linda C. Bowman
Notary Public



My Commission Expires

8/15/09

Durham County, North Carolina