



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross, Jr., Secretary

December 19, 2008

J. I. Palmer, Jr.
Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Attainment Demonstration for the North Carolina Portion of the Charlotte-Gastonia-Rock Hill Eight-Hour Ozone Nonattainment Area

Dear Mr. Palmer:

I am in receipt of your letter dated November 17, 2008, which addressed the North Carolina State Implementation Plan (SIP) for demonstrating attainment of the 1997 8-hour national ambient air quality standard for ozone in the bi-state Charlotte-Gastonia-Rock Hill (Metrolina) nonattainment area. The letter stated that the Environmental Protection Agency (EPA) could not approve this SIP since the area is unlikely to attain the 1997 ozone standard by June 15, 2010 or meet the requirements for a one-year extension of the attainment date. The EPA offered North Carolina the option of requesting a reclassification from Moderate to Serious to avoid disapproval of the Metrolina SIP. I have thoroughly considered both options, the proposed disapproval of the SIP and the voluntary reclassification to Serious. Both options present rather negative implications for the State. Therefore, to address EPA's concern over the Metrolina SIP attainment demonstration, North Carolina requests that EPA return the attainment demonstration originally submitted on June 15, 2007, so that the State may improve the demonstration and submit an updated plan.

It is my understanding that the withdrawal of the attainment demonstration for the Metrolina area will result in North Carolina receiving a letter of finding of failure to submit a plan under Section 179 of the Clean Air Act, and that an eighteen month sanction clock will begin, along with a twenty-four month Federal Implementation Plan clock. It is North Carolina's intention to submit a revised attainment demonstration for the Metrolina region by November 2009, which would stop both the sanction and the FIP clocks. I request that EPA work with North Carolina to quickly review and deem adequate the motor vehicle emissions budgets that will be submitted as part of the revised demonstration in November 2009. These budgets are needed so that transportation conformity analyses can be conducted and approved by May of 2010. EPA's cooperation is essential in order for this schedule to be successful.

In arriving at this decision, North Carolina considered the option of reclassification. While EPA believes it is unlikely that the Metrolina area will attain the 1997 ozone standard by its attainment

date, the region may meet the requirements for requesting a one-year extension of the attainment date. The region will achieve additional nitrogen oxide (NOx) reductions as a result of new controls on utilities and in motor vehicle fleet turnover. North Carolina is in the process of adopting an idle reduction rule for heavy-duty vehicles. This new rule is expected to become effective on May 1, 2009, and will result in additional NOx emission reductions. It should be noted that in 2004 the region had a 4th highest value of 0.085 parts per million (ppm) and there have been significant reductions in NOx emissions since that time. Given that the region may qualify for a one-year extension of its attainment date, it is believed that disapproval of the SIP would be premature.

Further, many of the additional control requirements within the Clean Air Act (CAA) of a reclassification to Serious focus on reducing volatile organic compounds (VOCs). While any reduction in air pollution may be considered a positive step, much scientific knowledge has been gained since the 1990 CAA Amendments were promulgated relative to beneficial reductions in the precursor pollutants that contribute to the formation of ozone. The Metrolina region is NOx limited, so reductions in VOC emissions will not result in the reduction of ozone needed to meet the standard. In these hard economic times, it is unreasonable to require business and industry to go through this resource intensive and burdensome process and implement costly controls when the needed results will not be achieved.

North Carolina has demonstrated leadership by implementing legislation, regulation and voluntary measures to address air pollution. We are committed to develop a SIP that will address the air quality issues for the Metrolina region through partnership with the South Carolina Department of Health and Environmental Control and the Mecklenburg County Air Quality programs. We will review the current controls that will be going in place and determine if there are other controls that could be implemented quickly so that the area can meet the requirements necessary to request a one-year extension and, if necessary, a second one-year extension in 2010. Our projected timeline for developing and submitting a revised attainment demonstration is:

January 2, 2009 – DAQ staff begins updating the area, nonroad mobile and point source inventory so that it reflects a more refined inventory and addresses the CAIR vacatur for other States;

February 27, 2009 – DAQ receives Metrolina transportation partners' data for future year modeling runs;

March 2, 2009 – DAQ begins emissions and air quality modeling runs;

July 1, 2009 – Modeling and quality assurance reviews are completed;

August 1, 2009 – Draft pre-hearing documentation is made available for review by EPA and transportation partners;

September 1, 2009 – Comments on the draft plan are received and addressed by DAQ;

September 21, 2009 – Pre-hearing draft SIP is made available to public;

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November 1, 2009 – The public comment period ends;

November 30, 2009 –DAQ submits the revised plan to EPA.

If at some point during 2009 ozone season the monitoring data shows that the Metrolina area is not eligible for a one year extension of the attainment date, North Carolina will consider submitting a request to reclassify to Serious instead of waiting for the mandatory reclassification from EPA.

Please feel free to contact Keith Overcash at (919) 715-6290 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm G. Ross, Jr.", written in a cursive style.

William G. Ross, Jr.

cc: B. Keith Overcash, NCDENR
Myra C. Reece, SCDHEC
Don Willard, Mecklenburg County
Marcus Peacock, USEPA
Robert Meyers, USEPA
Beverly Banister, USEPA Region 4