

Appendix D

Public Notice Report Comments Received and Responses

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Public Notice Report
For the
Supplement to the Redesignation Demonstration and Maintenance Plan
for Raleigh-Durham-Chapel Hill, NC (Triangle)
1997 8-hour Ozone Nonattainment Area

Introduction

On February 6, 2013, a pre-hearing draft version of the “Supplement to the Redesignation Demonstration and Maintenance Plan for Raleigh-Durham-Chapel Hill, NC (Triangle) 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 published on the North Carolina Division of Air Quality (NCDAQ) website, as well as to email distribution lists managed by the NCDAQ. The public comment period was open from February 6, 2013 through March 15, 2013. No requests for a public hearing were received. The public comment period elicited comments from the USEPA and the North Carolina Petroleum and Convenience Marketers (NCPCM).

Background

The area surrounding Raleigh-Durham-Chapel Hill, North Carolina, called the Triangle area, was designated nonattainment for the 1997 8-hour ozone standard on April 30, 2004 (69 Federal Register 23858). The Triangle nonattainment area included Durham, Franklin, Granville, Johnston, Orange, Person and Wake Counties and Baldwin, Center, New Hope and Williams Townships in Chatham County. The nonattainment designation action was taken by the USEPA under Section 107(d) of the Clean Air Act (CAA). The CAA requires that areas be designated as nonattainment if a monitor is found to be in violation of a National Ambient Air Quality Standard (NAAQS). At the time the USEPA took designation action in 2004, the design value for the Triangle area was 0.094 parts per million (ppm) for the years 2001-2003.

On June 7, 2007, NCDAQ submitted a Redesignation Demonstration and Maintenance Plan for the Triangle area in accordance with Section 175 A(b) of the Federal Clean Air Act amendments which contained analysis of air quality data demonstrating attainment with the 8-hour ozone standard, emissions inventory comparison showing that the standard can be maintained for 10 years beyond the approval of the plan, and defined contingency measures in the event of an air quality violation. Based on the information submitted, the USEPA redesignated the Triangle from nonattainment to attainment/maintenance on December 26, 2007. The Triangle area continues to be in compliance with the 1997 8-hour ozone standard.

As a result of continued improvement in air quality, on May 21, 2012, the USEPA designated the area attainment of the more stringent 2008 8-hour ozone NAAQS. There are currently eight ozone monitors located throughout the Triangle maintenance area. Each monitor has been measuring declining levels in air quality since 2006. The latest design value for the area is 0.075 ppm based on 2010-2012 data. Therefore, the area continues to maintain the 1997 ozone standard and is in attainment of the 2008 ozone standard.

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 began on July 1, 2002, and an open burning ban during ozone action days. In addition, there have been several State rules that have resulted in reductions in emissions within and surrounding the maintenance area. These State actions include the NO_x SIP Call, the Clean Smokestacks Act legislation, and the 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 2 engine standards for light and medium duty vehicles, heavy-duty engine standards, the low sulfur gasoline and diesel requirements, and off-road engine standards.

The combination of State and Federal actions have resulted in cleaner air in the Triangle area, and the anticipated future benefits from these programs are expected to result in continued maintenance of the 8-hour ozone NAAQS in this region.

North Carolina is requesting that the USEPA allow the summertime RVP standard to be relaxed in the Triangle area. Ambient air quality data for the most recent three year period (2010-2012) demonstrate that the Triangle maintenance area has continued to maintain the 1997 and the 2008 8-hour ozone standards. The area also continues to meet NAAQS for all other criteria air pollutants. This supplement to the maintenance demonstration shows that even with the relaxation of summertime RVP standard, future emission inventories are expected to be lower than the attainment year inventory through the effective implementation of the various control measures listed earlier. With significant safety margin available to accommodate future changes to certain control options that provide minimal benefit, it is concluded that maintaining the existing 7.8 psi RVP requirement is not necessary to maintain the ozone NAAQS in the Triangle area. An analysis of the affect on other pollutants indicates that the RVP relaxation will not interfere with attainment of other NAAQS.

Summary of Public Comment

The public notice comment period was open from February 6, 2013 through March 15, 2013. There were no requests for a public hearing. Comments were received from the USEPA and the NCPCM, which are attached following this report.

The following is a summary of the pertinent comments raised during the public comment period, along with the NCDAQ's response.

NCPCM comment: NCPCM agrees with the NCDAQ request that the USEPA relax the current 7.8 psi RVP motor gasoline volatility requirement for three Triangle counties during the summertime ozone season.

NCDAQ response: The NCDAQ acknowledges this comment. No changes are required.

NCPCM comment: NCPCM requests the USEPA to grant the enforcement discretion request made by the Department of Environment of Natural Resources on behalf of the Governor of North Carolina such that correct gasoline product could be supplied for the upcoming fuel season. The NCPCM also states that the price difference of 7.8 RVP gasoline has escalated to an average of 9.4 cents more per gallon during the past two summers.

NCDAQ response: The NCDAQ acknowledges the need to plan for and make the necessary arrangement to ensure correct gasoline product is delivered to North Carolina customers. The NCDAQ is awaiting the USEPA's response on the enforcement discretion, and is making a request to the USEPA to issue the public notices of the State Implementation Plan (SIP) and USEPA rulemaking at the same time.

USEPA comment: We have completed our review of the prehearing submittal and offer no comments at this time.

NCDAQ response: The NCDAQ acknowledges this comment. No changes are required.

Attachments to Public Notice Report

- 1) Written comments received from Gary F. Harris on behalf of the North Carolina Petroleum and Convenience Marketers.
- 2) Written comments received from R. Scott Davis, Chief of the Air Planning Branch, USEPA.
- 3) February 6, 2013 Public Notice Announcement by the North Carolina Department of Environment and Natural Resources.



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March 18, 2013

Sushma Masemore, P.E., Chief
Planning Section
NC DENR, Division of Air Quality (NCDAQ)
1641 Mail Service Center
Raleigh, NC 27699-1641

RE Redesignation Demonstration and Maintenance Plan for Raleigh-Durham-Chapel Hill (Triangle) 8-hour Ozone Maintenance Area

Dear Ms. Masemore:

The North Carolina Petroleum & Convenience Marketers (NCPCM) agrees with the North Carolina Division of Air Quality (NCDAQ) request that the United States Environmental Protection Agency (US EPA) relax the current 7.8 psi Reid Vapor Pressure (RVP) motor gasoline volatility requirement for three Triangle counties during the summertime ozone season. The NC DAQ maintenance plan document demonstrates that the current federal gasoline standard is unnecessary to maintain the ozone standard, and the RVP relaxation to 9.0 psi will not interfere with attainment of the current ozone standard.

Furthermore, NCPCM requests that the US EPA grant NC DAQ "enforcement discretion" for the Triangle and Triad Metropolitan Statistical Areas (MSA) per the Governor's letter of December 2012 and NC DENR Secretary Skvarla's letter of February 2013. Enforcement discretion will give the US EPA the needed time for the maintenance plan to be processed and to revise its rule. Hopefully, US EPA will grant enforcement discretion by March 20, 2013. This would allow the petroleum industry time to implement the necessary planning and logistics for supplying the correct gasoline product by May 1 and June 1, 2013.

During the past two summers the price difference of 7.8 RVP motor gasoline has escalated to an average of 9.4 cents more per gallon. This has cost consumers, government agencies and businesses approximately \$40 million each summer in nine NC counties.

Please notify us if we may be of further assistance.

Respectfully,

Gary F. Harris
Executive Director





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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ATLANTA, GEORGIA 30303-8960



March 15, 2013

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

Dear Ms. Holman:

Thank you for your letter dated February 6, 2013, transmitting a prehearing package regarding the supplement to the Redesignation and Maintenance Plan for Raleigh-Durham-Chapel Hill, NC (Triangle) 1997 8-Hour Ozone Nonattainment Area. In this supplement, the North Carolina Division of Air Quality is requesting the U.S. Environmental Protection Agency to relax the federal 7.8 pounds per square inch Reid Vapor Pressure (RVP) requirement for three Triangle counties subject to the ozone season gasoline volatility standard contained in 40 CFR 80.27(a)(2). These revisions were the subject of a public comment period beginning February 6, 2013, with written comments due by the close of business on March 15, 2013. We have completed our review of the prehearing submittal and offer no comments at this time.

Beyond the content of your prehearing submission, there are several criteria applicable to relaxing the federal RVP requirements in areas which have low volatility gasoline controls in place. Once North Carolina has submitted, and the EPA has acted through public notice and comment rulemaking on the SIP submission and the area has in place a maintenance plan which no longer relies on the federal low volatility fuel program to maintain attainment, then the EPA Administrator will be in a position to initiate public notice and comment rulemaking to change the federal RVP gasoline standard.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Lynorae Benjamin, at (404) 562-9040 or me, or have your staff contact Nacosta Ward at (404) 562-9140.

Sincerely,

R. Scott Davis
Chief
Air Planning Branch

