

Hearing Officer's Report

North Carolina Division of Air Quality

Public Hearing on April 26, 2007

For

Eight-Hour Ozone Attainment Demonstration
for the Charlotte/Gastonia/Rock Hill, NC-SC
Eight-Hour Ozone Nonattainment Area

June 15, 2007

Patrick Butler – Hearing Officer
Compliance Supervisor
Raleigh Regional Office
Raleigh, North Carolina

Patrick Butler 6/15/07
Patrick Butler Date

EXECUTIVE SUMMARY

On April 26, 2007 a Public Hearing for the “Eight-Hour Ozone Attainment Demonstration for the Charlotte/Gastonia/Rock Hill, NC-SC Eight-Hour Ozone Nonattainment Area” was held. The hearing was held at the Charlotte Mecklenburg Government Building located at 600 East Fourth Street, Charlotte, North Carolina. The purpose of this hearing was to inform interested parties on the 8-hour ozone ozone attainment demonstration and to solicit comments from the public. The public comment period closed May 15, 2007.

According to the Public Hearing Registration Forms, a total of eight (8) non-NCDAQ people attended the Public Hearing and three (3) people registered to speak. Written comments were received from the Charlotte Department of Transportation (CDOT), the Centralina Council of Governments (CCOG), the United States Environmental Protection Agency (USEPA), the Lake Norman Rural Planning Organization (LNRPO), the Mecklenburg-Union Metropolitan Planning Organization (MUMPO), the Mecklenburg County Air Quality (MCAQ), and the North Carolina Department of Transportation (NCDOT).

Rebecca Yarbrough, Assistant Director of CCOG submitted written comments on three separate occasions: written comments were submitted directly to the hearing officer the day of the public hearing; a more formal revised version was received on May 3, 2007 dated April 26, 2007; and a final shorter letter was received on May 15, 2007. Jim Humphrey, Director of the CDOT submitted written comments dated May 15, 2007. Kay Prince, Chief of the USEPA Air Planning Branch submitted written comments dated May 17, 2007. Steve Gurley, Transportation Coordinating Committee Chairman of the LNRPO submitted written comments dated May 14, 2007. Patrick Mumford, Chair of the MUMPO submitted written comments dated May 15, 2007. Don Willard, Director of the MCAQ submitted written comments dated May 12, 2007. The NCDOT submitted comments in bullet form. It is my opinion that the North Carolina Division of Air Quality (NCDAQ) can adequately address the concerns raised by the interested parties.

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

I recommend that the “Eight-Hour Ozone Attainment Demonstration for the Charlotte/Gastonia/Rock Hill, NC-SC Eight-Hour Ozone Nonattainment Area” be approved after addressing the hearing officer’s recommendations as described in the body of this report.

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for
Eight-Hour Ozone Attainment Demonstration
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Eight-Hour Ozone Nonattainment Area

June 15, 2007

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Background (borrowed from the draft plan)

The United States Environmental Protection Agency (USEPA) promulgated a new 8-hour ozone NAAQS in July 1997, setting a standard at 0.08 parts per million (ppm) averaged over an 8-hour period. An exceedance of the 8-hour ozone NAAQS occurs when a monitor measures ozone of above 0.084 ppm (per the rounding convention). A violation of the NAAQS occurs when the average of the annual fourth highest daily maximum 8-hour ozone values over three consecutive years is equal to or greater than 0.085 ppm. This three-year average is termed the design value for the monitor. The design value for a nonattainment area is the highest monitor's design value in the area.

In April 2004, the USEPA designated areas as nonattainment for the 8-hour ozone NAAQS based upon air quality monitoring data measured during the 2001, 2002 and 2003 ozone seasons. These designations became effective on June 15, 2004. In North Carolina, there were seven areas designated as nonattainment.

The Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina (the Metrolina area) 8-hour ozone nonattainment area was designated under subpart 2 since the area's 1-hour ozone design value was 0.129 ppm. Areas with 1-hour design values at 0.121 ppm or greater were designated under subpart 2, since this threshold was the low end of the classification table in section 181(a)(1) of the Clean Air Act. The USEPA determined during the designation process that this was the appropriate treatment of the classification table under the 8-hour standard. With a regional 2001-2003 8-hour ozone design value of 0.100 ppm, the Metrolina area was classified as moderate. This nonattainment area includes the entire counties of Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, and Union Counties; Coddle Creek and Davidson Townships in Iredell County; and the Rock Hill Metropolitan Planning Organization boundary in York County, South Carolina.

Several control measures already in place or being implemented over the next few years will reduce stationary point, highway mobile, and nonroad mobile source emissions. The expected Federal and State control measures were modeled for the attainment year of 2009.

The Federal control measures that were modeled included the Tier 2 vehicle standards; the heavy-duty gasoline and diesel highway vehicle standards; low sulfur gasoline and diesel fuels, large nonroad diesel engines standards; the nonroad spark-ignition engines and recreational engines standard; and the Clean Air Interstate Rule.

The State control measures that were modeled included the Clean Air Bill, in which the vehicle emissions inspection and maintenance program was expanded from 9 counties to 48; the NOx SIP Call Rule, which reduces summertime NOx emissions from power plants and other industrial boilers; and the Clean Smokestacks Act, which will reduce NOx emissions beyond the requirements of the NOx SIP Call Rule and will require coal-fired power plants to meet an annual NOx emissions cap.

Summary of Public Hearing and Comment Period

According to the Public Hearing Registration Forms, a total of eight (8) non-NCDAQ people attended the Public Hearing and three (3) people registered to speak. Written comments were received from the Charlotte Department of Transportation (CDOT), the Centralina Council of Governments (CCOG), the United States Environmental Protection Agency (USEPA), the Lake Norman Rural Planning Organization (LNRPO), the Mecklenburg-Union Metropolitan Planning Organization (MUMPO), the Mecklenburg County Air Quality (MCAQ), 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 the NCDAQ.

The public hearing comment period was open until 5:00 p.m. on May 15, 2007. Three people spoke at the public hearing: Eldewins M. Haynes, Air Quality Specialist for the CDOT; June Blotnick, Director of Carolinas Clean Air Coalition (CCAC); and Rebecca R. Yarbrough, Assistant Director of the Centralina Council of Governments (CCOG). During the public comment period the Hearing Officer did not receive any phone calls related to the public hearing.

Eldewins M. Haynes, Air Quality Specialist for the CDOT submitted a written version of the oral speech he presented on April 26, 2007. Rebecca Yarbrough, Assistant Director of CCOG submitted written comments on three separate occasions: written comments were submitted directly to the hearing officer the day of the public hearing; a more formal revised version was received on May 3, 2007 dated April 26, 2007; and a final shorter letter was received on May 15, 2007. Jim Humphrey, Director of the CDOT submitted written comments dated May 15, 2007. Kay Prince, Chief of the USEPA Air Planning Branch submitted written comments dated May 17, 2007. Steve Gurley, Transportation Coordinating Committee Chairman of the LNRPO submitted written comments dated May 14, 2007. Patrick Mumford, Chair of the MUMPO submitted written comments dated May 15, 2007. Don Willard, Director of the MCAQ submitted written comments dated May 12, 2007. The NCDOT submitted comments in bullet form. The written comments referenced above are attached for reference.

The three people that spoke at the public hearing all pointed out observations that will be addressed in the body of this report.

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.

CCOG: The three page document submitted during the hearing that was further revised and re-submitted on May 3, 2007 outlines several programs that have been undertaken to reduce air pollution over the past several years. Additionally, the May 3, 2007 letter included a resolution adopted by the Executive Committee of the CCOG supporting sub-area motor emission budgets. The essence of the comments can be summarized in the following statement: "Centralina's governing Board of Delegates...believes that NCDAQ's decision to establish COUNTY emission budgets detracts from the sense of the "regional" nature of the problem..." It is further stated that CCOG would prefer a larger regional budget with informal county targets. They are respectfully requesting that the NCDAQ reconsider the creation of county specific Motor Vehicle Emission Budgets (MVEBs).

Hearing Officer's Response: The NCDAQ is pleased that many productive programs aimed at lowering air pollution have been implemented. The hearing officer supports the NCDAQ's position regarding the use of county specific MVEBs. The county specific MVEBs are based on county specific information that was submitted. Additionally, the use of county specific MVEBs should create a greater sense of responsibility as well as accountability among the various counties and Metropolitan Planning Organizations in addressing their respective emissions. The hearing officer recommends that the NCDAQ detail the rationale in using county specific MVEBs.

CCOG: The two page letter dated May 15, 2007 enumerates specific non-modeled projects that have contributed to an overall emissions reduction such as: Air Awareness education and outreach programs, school bus diesel oxidation catalysts, school bus diesel particulate filters, use of hybrid vehicles, reduction of energy consumption measures, anti-idling campaigns, truck stop electrification, etc...

Hearing Officer's Response: The NCDAQ supports these collaborative efforts in the reduction of air pollution.

CDOT: CDOT has technical concerns with the MVEBs which have been proposed by the NCDAQ for each county and partial county in the Metropolitan area. They also assert that the NCDAQ "...has not provided technical documentation to show that county-level MVEB will result in better air quality compared to a multi-county MVEB." Their concluding request is that the NCDAQ "...consider its choices for the county-by-county MVEBs, and allow the Metrolina area a reasonable chance to avoid an upcoming transportation conformity lapse."

Hearing Officer's Response: The hearing officer supports the NCDAQ's position regarding the use of county specific MVEBs. The county specific MVEBs are based on county specific information that was submitted. Additionally, the use of county specific MVEBs should create a

greater sense of responsibility as well as accountability among the various counties and Metropolitan Planning Organizations in addressing their respective emissions. The hearing officer recommends that the NCDAQ detail the rationale in using county specific MVEBs in order to address the assertion by CDOT the NCDAQ has provided no technical documentation supporting to use of county specific MVEBs.

USEPA: Comments were submitted dated May 17, 2007 requesting clarification and/or additional more detailed information be added to particular sections of the narrative and appendices.

Hearing Officer's Response: The majority of the comments contained in the letter from the USEPA request more description or detail in the final report. Furthermore, the comments do not highlight anything controversial that cannot be addressed by the NCDAQ prior to the final submittal. The hearing officer recommends that the NCDAQ address all issues and concerns prior to the final submittal.

LNRP: Comments were submitted dated May 14, 2007. The following summarizes their comments, "We believe the NCDAQ's insistence on county-level budgets is putting our member governments at unnecessary risk of failing the transportation conformity MVEB test. We strongly encourage reconsideration of this approach, and continue to recommend the use of at least the "subregional" approach that was suggested by the majority of the transportation conformity partners in this region and that met with NCDOT's acceptance."

Hearing Officer's Response: The hearing officer supports the NCDAQ's position regarding the use of county specific MVEBs. The county specific MVEBs are based on county specific information that was submitted. Additionally, the use of county specific MVEBs should create a greater sense of responsibility as well as accountability among the various counties and Metropolitan Planning Organizations in addressing their respective emissions. The hearing officer recommends that the NCDAQ detail the rationale in using county specific MVEBs.

MUMPO: Comments were submitted dated May 15, 2007 and the following summarizes their comments, "We support a multi-county MVEB as a appropriate methodology. County-by-county MVEBs, as you propose, are unnecessary and appear to be without technical merit given the lack of technical basis provided."

Hearing Officer's Response: The hearing officer supports the NCDAQ's position regarding the use of county specific MVEBs. The county specific MVEBs are based on county specific information that was submitted. Additionally, the use of county specific MVEBs should create a greater sense of responsibility as well as accountability among the various counties and Metropolitan Planning Organizations in addressing their respective emissions. The hearing officer recommends that the NCDAQ detail the rationale in using county specific MVEBs.

MCAQ: Comments were submitted dated May 12, 2007 and they recommend "...that to ensure that the Metrolina region attains the national ambient air quality standard for ozone by June 15, 2010, that the SIP submittal include the commitment that by June 15, 2008 ozone reduction strategies that model within the margin of safety (82 ppb or below) at the County Line, Garinger,

Enochville and Rockwell will be identified and analyzed and these strategies will be pre-adopted so that they could be quickly implemented prior to the 2009 ozone season, if necessary.”

Hearing Officer’s Response: The hearing officer recommends that the NCDAQ examine the request of MCAQ to see if this is reasonable and/or feasible.

CCAC: June Blotnick, Director of the Carolinas Clean Air Coalition presented oral comments requesting mandatory NOx controls during the summer months, more media efforts to promote education, strategies for reducing diesel emissions and support by the State regarding light rail systems.

Hearing Officer’s Response: NCDAQ supports media efforts and outreach to educate the public about air pollution through our Air Awareness Program. NCDAQ is currently involved with anti-idling initiatives throughout the State. Additionally, the NCDAQ has utilized the Mobile Source Emission Reduction Grants to fund and promote the diesel retrofits and other innovative emission reduction technologies. NCDAQ generally supports most emission reduction programs that are economically viable and feasible.

NCDOT: The NCDOT submitted comments in bullet form. The comments mainly involve incorporating the most recent traffic data, using an adequate margin of safety and combining the MVEBs for at least the rural counties.

Hearing Officer’s Response: The NCDAQ should use the best traffic data available and should discuss the margin of safety. Additionally, the hearing officer supports the NCDAQ’s position regarding the use of county specific MVEBs. The county specific MVEBs are based on county specific information that was submitted. Additionally, the use of county specific MVEBs should create a greater sense of responsibility as well as accountability among the various counties and Metropolitan Planning Organizations in addressing their respective emissions. The hearing officer recommends that the NCDAQ detail the rationale in using county specific MVEBs.

General Hearing Officer Comments: With regard to county-by-county MVEBs, it is the hearing officer’s understanding that NCDAQ detailed their rationale for this approach in a September 2005 letter from the Director of NCDAQ. That letter invited the various transportation partners to submit technical justifications for alternatives to this approach for setting MVEBs. The transportation partners were given several months to submit such information, i.e., until February 2006. NCDAQ reviewed the material provided by the transportation partners and concluded that none of the additional information was a compelling argument to jeopardize an area’s ability to attain and maintain the ambient air quality standards. The transportation partners were informed of NCDAQ’s decision to set county-by-county MVEBs in a June 2006 letter from the Director of NCDAQ. It is the hearing officer’s opinion that NCDAQ consulted with the transportation partners across the state, then made a decision based on their obligation to meeting the public health standards in the state.

Additionally, several negative comments were directed toward the interagency consultation meetings with inferences that the NCDAQ somehow bypassed the process by not doing exactly what the localities requested. It is the hearing officer’s understanding that these meetings are

consultative in nature, and are used as a tool to promote communication of thoughts and ideas. These meetings are not a consensus-based process. Several of the localities seem confused that if the NCDAQ disagrees with their opinion that somehow the interagency process has been violated. The hearing officer believes that the NCDAQ staff acted appropriately in the spirit of consultation.

Recommendation:

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

I recommend that the “Eight-Hour Ozone Attainment Demonstration for the Charlotte/Gastonia/Rock Hill, NC-SC Eight-Hour Ozone Nonattainment Area” be approved after addressing the concerns received by the CDOT and the CCOG.

Attachments to Report:

- (1) Eldewins M. Haynes, Air Quality Specialist for the City of Charlotte Department of Transportation copy of oral speech from April 26, 2007.
- (2) Rebecca Yarbrough, Assistant Director of CCOG submitted written comments on three separate occasions:
 - Written comments were submitted directly to the hearing officer the day of the public hearing on April 26, 2007.
 - More formal revised comments were received on May 3, 2007.
 - A final shorter letter was received on May 15, 2007.
- (3) Jim Humphrey, Director of the CDOT submitted written comments dated May 15, 2007.
- (4) Kay Prince, Chief of the USEPA Air Planning Branch submitted written comments dated May 17, 2007.
- (5) Steve Gurley, Transportation Coordinating Committee Chairman of the LNRPO submitted written comments dated May 14, 2007.
- (6) Patrick Mumford, Chair of the MUMPO submitted written comments dated May 15, 2007.
- (7) Don Willard, Director of the MCAQ submitted written comments dated May 12, 2007.
- (8) NCDOT bulleted comments.

lab/rpb

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

Comments for SIP public hearing

My name is Eldewins Haynes, and I am the Air Quality Specialist for the Charlotte Department of Transportation. On behalf of the City of Charlotte, I will begin by saying that we appreciate the responsibility that DAQ has to develop a SIP that meets Clean Air Act requirements.

The City of Charlotte has been very active in air quality and other environmental initiatives in this region. On behalf of the Charlotte DOT, I will tell you that our experienced staff is very aware of the technical issues affecting transportation conformity and air quality.

We understand the basics of the air quality simulations that were done for the SIP, and we understand how that work was used to develop the SIP. However, we do have a technical concern with the motor vehicle emissions budgets which have been proposed by DAQ for each county and partial county in the Metrolina area. We believe that, based on the analysis we have done so far, one or more of the county motor vehicle emissions budgets may be inappropriate. The details of this concern will be expressed in greater depth in a letter we will send to you in the next two weeks.

As we have stated in previous communications to DAQ, motor vehicle emissions budgets are not now, nor will they become, the decisive factor in attaining or not attaining the ozone NAAQS. These budgets are critical only for the transportation conformity process. Our comments should not in any way be construed to say we are against clean air. We want the Metrolina area to meet both ozone attainment and transportation conformity requirements.

Comments to NCDAQ Public Hearing on Metrolina SIP: April 26, 2007

On behalf of Centralina Council of Governments, thank you for the opportunity to comment on the Draft State Implementation Plan. The COG also recognizes and thanks the NC Division of Air Quality staff for their hard work to produce a SIP that meets Clean Air Act requirements. We in the Metrolina region are committed to clean air—to demonstrate attainment of the NAAQS for ozone, to meet transportation conformity, and to protect the health of our citizens.

Our comments today should not be construed in any way as negative toward the findings and technical demonstration of attainment included in the Draft SIP. We are pleased that in fact our collective actions at the local, State, and Federal levels are producing the NO_x and VOC reductions needed to do so. We commend our partners in this effort—local governments, our school systems, the business community, the many citizens who choose to ride the bus or not idle, and the State and Federal agencies who promote clean air through both regulation and outreach. Our comments are oriented to some procedural issues and general approaches on how local transportation and land use planning officials may be included more fully in this process, to ensure that we continue to make improvements and can meet possibly tighter standards in the future despite rapid growth.

Elected officials in the Metrolina area have worked with air quality issues for the past four to five years intensively, becoming educated about the issues and in many cases, undertaking at their own expense actions that have resulted in emissions reductions by their jurisdictions. Examples include Salisbury's and Concord's extensive air awareness programs, Charlotte's episodic ozone program and Environmental Focus Area, and the commitment of Cabarrus, Gaston, Iredell, Lincoln Mecklenburg, and Rowan Counties to school bus diesel retrofits and carpool anti-idling programs, as well as purchases of hybrids by a number of local governments. Further, the "Clean Air Works!" program of the Charlotte Chamber and regional partners engaged business leadership in working to reduce emissions during ozone season in the bi-state airshed. All these actions have stemmed from regional commitment to education and awareness, as well as support with implementation and applying for grants. Centralina COG's board is explicitly committed to continuing air quality programs after SEQL, and reinforced that commitment at their meeting last month. In the course of becoming educated about the air quality issue, local elected officials have become convinced of one critical fact—it is NOT a county issue, it is a regional issue, and can only be addressed by coordinated regional action.

Centralina's governing Board of Delegates, made up of 74 elected officials from throughout the region, believes that NCDAQ's decision to establish COUNTY emissions budgets detracts from the sense of the "regional" nature of the problem, and may not do as much as could be done to promote regional collaboration in addressing this issue. In dealing with Air Quality issues, we consistently run into the following false premises:

- The struggle to keep air quality from being viewed as merely a "technical problem" and rather one that affects everyone in the region. NAAQS attainment and transportation conformity are viewed as a "technical demonstrations" and it is

certainly true that they are highly technical. We have finally gotten through that although the work that goes into the demonstration is technical, the real way that we address air quality is by everyone doing their part regionally—because air travels. County MVEBs are counter-productive to this argument.

- “What we do as individuals or a region doesn’t matter because federal measures and fleet turnover are going to take care of the problem.” If this is true, then no one should care about air quality because the problem is going to go away. Do we really think that this is going to happen, even given the doubling of population in this region? If we are not SURE that these state and federal measures will ensure improving air quality, then we need to keep regional and local attention focused on local and regional measures. Anything that implies that one county by itself can solve the problem is counterproductive to this effort.
- Frankly, we as a Council of Governments can use a regional MVEB as a reason for everyone to work together and to be concerned about regional growth and development patterns. As you all know, land development patterns DO affect VMT—and with the growth that is coming, and potential lowering of future NAAQS for ozone—slowing the growth of VMT may matter a great deal in the future. The more we can foster regional discussions intent on HOW we stay within a regional emissions budget—even if we have informal county targets—the better we will do in promoting the forms of development that make walking, biking or transit—anything that gets people out of SOVs. In fact, such an approach may provide the region with additional leverage to get such discussions going—but county-level budgets that promote a “go it alone” approach won’t do so. In fact, data have shown that HALF of the employment fostered by the NC Research Campus in Rowan and Cabarrus Counties will occur in Mecklenburg.
- Our Board of Delegates understands a regional MVEB as a pie, and county-level MVEBs as slices of that pie. They also understand the massive undertaking of the regional transportation partners in doing their best to project growth. However, they also understand that in a region growing as rapidly as ours, sometimes “growth happens.” No county is going to turn down a Lowe’s or a North Carolina Research Campus or a major employer coming to locate—it’s good for the region, and it’s good for the community—and no one would want to tell a community that such a development would wreck their emissions budget. But such a development in fact could be disastrous for a county-level emissions budget, and what is the COUNTY supposed to do about it—particularly given the regional impacts of such large developments? We would much prefer to have a larger formal budget to work within, so that as a region we can engage in discussions of how to address the multi-county impacts all of these size developments have.

We understand that Cabarrus-Rowan MPO has opted for county budgets, and they are certainly within their rights to do so. Our Board also has been informed that NCDAQ is concerned that too large a deviation from county projections may eventually affect the attainment demonstration, because of air flows and how growth in certain areas may relate to certain monitors. Nevertheless, they have gone on record as strongly supporting a regional budget and respectfully requesting reconsideration of the creation of county budgets, for regional well-being and to foster the regional collaboration necessary for clean air.

On a more personal note, I would also like to say that as someone whose primary job is to organize and promote local government action for air quality, I can virtually assure you that county level budgets will not be nearly as beneficial in doing so, as would a single regional budget with informal county targets. Such an approach would provide an excellent stimulus for continued regional discussion about how and where development SHOULD take place, to promote not only good air quality but a sustainable quality of life for the entire region.

Centralina will mail to the Division of Air Quality a resolution adopted by our Executive Committee to this effect.

Submitted by:
Centralina Council of Governments
A. R. Sharp, Jr., Executive Director
PO Box 35008
Charlotte, North Carolina 28235

Contact:
Rebecca R. Yarbrough, Regional Initiatives Administrator
704-372-2416



Centralina

Council of Governments

April 26, 2007

Mr. Patrick Butler, CPM PE
Hearing Officer
North Carolina Division of Air Quality
North Carolina Department of Environment and Natural Resources
Raleigh Regional Office
3800 Barrett Drive
Raleigh, North Carolina 27609

Re: Comments on Draft Metrolina Area Attainment State Implementation Plan

Dear Mr. Butler:

On behalf of Centralina Council of Governments, thank you for the opportunity to comment on the Draft State Implementation Plan. The COG also recognizes and thanks the NC Division of Air Quality staff for their hard work to produce a SIP that meets Clean Air Act requirements. We in the Metrolina region are committed to clean air—to demonstrate attainment of the NAAQS for ozone, to meet transportation conformity, and to protect the health of our citizens.

Our comments should not be construed in any way as negative toward the findings and technical demonstration of attainment included in the Draft SIP. We are pleased that in fact our collective actions at the local, State, and Federal levels are producing the NOx and VOC reductions needed to do so. We commend our partners in this effort—local governments, our school systems, the business community, the many citizens who choose to ride the bus or not idle, and the State and Federal agencies who promote clean air through both regulation and outreach. Our comments are oriented to some general approaches on how local transportation and land use planning officials may be included more fully in this process, to ensure that we continue to make improvements and can meet possibly tighter standards in the future despite rapid growth.

Elected officials in the Metrolina area have worked with air quality issues for the past four to five years intensively, becoming educated about the issues and in many cases, undertaking at their own expense actions that have resulted in emissions reductions by their jurisdictions. Examples include Salisbury's and Concord's extensive air awareness programs, Charlotte's episodic ozone program and

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Environmental Focus Area, and the commitment of Cabarrus, Gaston, Iredell, Lincoln Mecklenburg, and Rowan Counties to school bus diesel retrofits and carpool anti-idling programs. A number of local governments have also purchased hybrids. Further, the “Clean Air Works!” program of the Charlotte Chamber and regional partners engaged business leadership in working to reduce emissions during ozone season in the bi-state airshed. All these actions have stemmed from regional commitment to education and awareness, as well as support with implementation and applying for grants. Centralina COG’s board is explicitly committed to continuing air quality programs after SEQL, and reinforced that commitment at their meeting last month. In the course of becoming educated about the air quality issue, local elected officials have become convinced of one critical fact—it is NOT a county issue, it is a regional issue, and can only be addressed by coordinated regional action.

Centralina’s governing Board of Delegates, made up of 74 elected officials from throughout the region, believes that NCDAQ’s decision to establish COUNTY emissions budgets detracts from the sense of the “regional” nature of the problem, and may not do as much as could be done to promote regional collaboration in addressing this issue. In dealing with Air Quality issues, we consistently run into the following false premises:

- Air quality is a “technical problem” and NAAQS attainment and transportation conformity are “technical demonstrations.” While it is certainly true that both processes are highly technical, our staff have worked to promote the understanding that the way that we address air quality is by everyone doing their part regionally—because air travels. County MVEBs are counter-productive to this argument.
- “What we do as individuals or a region doesn’t matter because federal measures and fleet turnover are going to take care of the problem.” If this is true, then no one should care about air quality because the problem is going to go away. Do we really think that this is going to happen, even given the doubling of population in this region? If we are not SURE that these state and federal measures will ensure improving air quality, then we need to keep regional and local attention focused on local and regional measures. Anything that implies that one county by itself can solve the problem is counterproductive to this effort.
- Frankly, we as a Council of Governments can use a regional MVEB as a reason for everyone to work together and to be concerned about regional growth and development patterns. As you know, land development patterns DO affect VMT—and with the growth that is coming, and potential lowering of future NAAQS for ozone, slowing the growth of VMT may matter a great deal in the future. The more we can foster regional discussions intent on HOW we stay within a regional emissions budget—even if we have informal county targets—the better we will do in promoting the forms of development that make walking, biking, transit and anything that gets people out of SOVs. In fact, such an approach may provide the region with additional leverage to get such discussions going, but county-level budgets that promote a “go it alone” approach will not do so.
- Our Board of Delegates understands a regional MVEB as a pie, and county-level MVEBs as slices of that pie. They also understand the massive undertaking of the regional transportation partners in doing their best to project growth. However, they also

Mr. Patrick Butler
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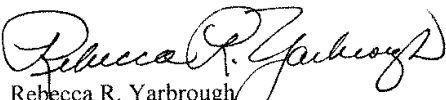
understand that in a region growing as rapidly as ours, sometimes "growth happens." No county is going to turn down a future Lowe's or a North Carolina Research Campus or a major employer coming to locate—it's good for the region, and it's good for the community—and no one would want to tell a community that such a development would wreck their emissions budget. But such a development in fact could be disastrous for a county-level emissions budget, and what is the county supposed to do about it—particularly given the regional impacts of such large developments? In fact, data have shown that a considerable amount of both employment and housing fostered by the NC Research Campus in Rowan and Cabarrus Counties will occur in Mecklenburg. We would much prefer to have a larger formal budget to work within, so that as a region we can engage in discussions of how to address the multi-county impacts these regional developments have.

We understand that Cabarrus-Rowan MPO has opted for county budgets, and they are certainly within their rights to do so. Our Board also has been informed that NCDAQ is concerned that too large a deviation from county projections may eventually affect the attainment demonstration, because of air flow patterns and how growth in certain areas may relate to certain monitors. Nevertheless, they have gone on record as strongly supporting a regional budget and respectfully requesting reconsideration of the creation of county budgets, for regional well-being and to foster the regional collaboration necessary for clean air. They believe that county budgets will not be nearly as beneficial in doing so, as would a single regional budget with informal county targets. Such an approach would provide an excellent stimulus for continued regional discussion about how and where development SHOULD take place, to promote not only good air quality but a sustainable quality of life for the entire region.

Enclosed please find a resolution adopted by the Centralina Board of Delegates' Executive Committee to this effect.

Thank you again for the opportunity to comment, and we look forward to continued collaboration to improve our air quality.

Sincerely,


Rebecca R. Yarbrough
Regional Initiatives Program Administrator

cc: A.R. Sharp, Jr., Executive Director
Carol Lewis, Outreach Coordinator



Resolution in Support of Sub-Area Motor Vehicle Emissions Budgets for the 8-hour Ozone Non-Attainment Area for Purposes of Transportation Conformity Determination

Whereas, seven counties in North Carolina in the Centralina region have been designated as non-attainment for the 8-hour ozone standard, and this area is known as the "Metrolina Non-Attainment Area;" and

Whereas, one of the requirements placed upon non-attainment areas is establishment of a Motor Vehicle Emissions Budget (MVEB) to limit the amount of pollutants that may come from mobile sources, which in this region are a leading source of ozone precursors; and

Whereas, the agency charged with the establishment of MVEBs is the North Carolina Department of Environment and Natural Resources, Division of Air Quality (NCDAQ), it being possible that the geography of MVEBs could cover all or portions of the region; and

Whereas, NCDAQ had indicated that they would consider requests from MPOs and RPOs to use county-by-county, sub-area, or a unified emissions budget; and

Whereas, the Centralina Council of Governments Executive Committee discussed the original recommendations of motor vehicle emissions budget (MVEB) boundaries at their meeting in October, 2005, and at that time took a position in support of a single MVEB for the entire Metrolina non-attainment area; and

Whereas, subsequent to that action, Cabarrus-Rowan MPO voted to endorse county-by-county MVEBs for their area, but all other transportation planning organizations voted to support a single MVEB for the remainder of the non-attainment area, and made such recommendations to NCDAQ; and

Whereas, NCDAQ has announced that contrary to the recommendations of the majority of the region, they will use county-by-county budgets for the entire area; and

Whereas, a more unified budget will require regional cooperation, but provide greater flexibility in dealing with growth beyond that projected in modeling, and also reflects the approach of using a regional framework to deal with a regional issue;

Now Therefore, Be It Resolved that the Executive Committee of the Centralina Council of Governments reiterates its support for the recommendations of the transportation planning organizations supporting the more unified budget approach (recognizing the authority of the Cabarrus-Rowan MPO to select a different approach), and commends reconsideration of this issue to NCDAQ on the basis of using an approach that will foster the maximum regional cooperation and collaboration to successfully address this regional issue.

Adopted this 11th day of October, 2006:

Dumont Clarke, Chairman



Centralina Council of Governments

May 15, 2007

Ms. Laura Boothe
North Carolina Division of Air Quality
North Carolina Department of Environment and Natural Resources
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Re: Weight of Evidence Information for the Metrolina Area Attainment State Implementation Plan

Dear Laura:

We wish to write in support of the weight of evidence information assembled by the North Carolina Division of Air Quality to support the demonstration of attainment of the NAAQS for 8-hour ozone for the Metrolina non-attainment area.

Centralina Council of Governments fully concurs in the State's conclusion that there are a number of actions underway which will continue to reduce NOx and other emissions, that are not included in the model. We have been an active participant in stimulating these actions, along with NCDAQ's Air Awareness staff and many other organizations and local governments. We believe that these and additional voluntary actions undertaken in the future will be key in helping us to continue to improve air quality as our region grows.

To enumerate some of the specific non-modeled projects:

- The Cities of Salisbury and Concord have adopted extensive Air Awareness programs for their own employees, including specific actions such as telecommuting, teleconferencing etc. on ozone action days.
- Six county school systems have committed to diesel oxidation catalysts on those school buses that do not already have them and that have a useful life that makes such a step cost-effective. These districts—Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, and Rowan—have retrofitted 620 buses to date.
- Charlotte-Mecklenburg Schools has also installed particulate filters and has made a number of other improvements to their fleet.

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Ms. Laura Boothe

May 15, 2007

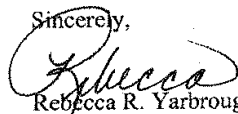
Page 2

- Many local governments in the region have purchased hybrid vehicles and many have begun using biodiesel.
- The City of Charlotte has adopted Environment as one of its five City Council Focus Areas and has begun implementation of a massive planning effort to reduce energy consumption and undertake emissions reducing actions.
- A program co-sponsored by Centralina COG and the Carolinas Clean Air Coalition, with funding provided in part by NCDENR, has placed "Turn off your engine—kids breathe here!" signs at each of the region's schools. This "Clear the Air for Kids!" program also provides information for parents to discourage idling in carpool and drive-through lines.
- The "Clean Air Works!" program of the Charlotte Chamber and regional partners engaged business leadership in working to reduce emissions during ozone season in the bi-state airshed.
- Through local land use plans and subsequent ordinance changes, jurisdictions throughout the region are adopting land use policies that promote more compact, walkable development, a mix of uses that promote walking or bicycling as a means of transportation, and that make transit more feasible.
- A significant number of jurisdictions are undertaking specific pedestrian planning initiatives and sidewalk programs to make walking a viable form of transportation—over nine jurisdictions have undertaken or completed pedestrian planning grants alone.
- We are working diligently to electrify a truck stop in Rowan County with ATSE technology, but have run into problems with the vendor. Assuming that these problems can be resolved, this project will reduce NOx and VOC emissions as well as PM2.5 from idling heavy-duty diesel engines. If we are successful in resolving the issues that have arisen, the project will be functional by the attainment date. If we are unsuccessful, these emissions reductions will not be realized.

Through SEQL, our communities in the Metrolina airshed reported undertaking a cumulative total of 389 actions to promote air quality. Centralina continues to seek funding to promote additional emissions-reduction strategies, including promoting energy efficiency through compact fluorescent light bulb use and lawn equipment trade-outs. We also continue to work with partnering agencies on other types of public education and outreach, and on the development of land use patterns that are conducive to reducing the rate of VMT growth.

We commend the NCDAQ staff for their hard work on behalf of air quality, and look forward to continued collaboration.

Sincerely,


Rebecca R. Yarbrough
Assistant Director

cc: A.R. Sharp, Jr., Executive Director
Carol Lewis, Outreach Coordinator
Sheila Holman, Planning Chief



May 15, 2007

Ms. Laura Boothe
Division of Air Quality
1641 Mail Service Center
Raleigh NC 27699-1641

Dear Ms. Boothe:

Subject: Comments on the NC 8-Hr Ozone SIP Document

The Charlotte Department of Transportation (CDOT) wishes to thank the Division of Air Quality for this opportunity to comment on the Ozone SIP draft document dated April 5, 2007. CDOT's technical staff possess special, and perhaps unique, expertise among local government staff because we prepare the regional travel forecasts which are used for the emissions analysis and air quality conformity updates.

CDOT's Air Quality Specialist attended the public hearing on this document on April 26, and limited his comments to indicating that one or more of the county-level motor vehicle emissions budgets (MVEBs) may be inappropriate, based on our preliminary calculations. This letter expands upon that statement, and expresses related concerns.

High risk of conformity lapse with county-level MVEBs specified in draft SIP.

In both written and oral communications CDOT staff have commented to DAQ on several occasions, that if a county exceeds its MVEB, it will be very difficult for that county to take corrective action significant enough to "fix" the problem. This condition will be especially true in the short term, between early 2008 and the end of 2009. Since each county will have to pass its budget test once the county-level MVEBs are approved by EPA, failure by any one county to pass could cause the entire Metrolina region to lapse. In those cases where an MPO consists of more than one county, such as the Mecklenburg-Union MPO (MUMPO), the failure of either county to meet its budget would cause the entire MPO to lapse (the other county in the MPO would not be able to help).

As soon as we received a copy of the SIP (on April 11), we began to review the content. We first focused on comparing the MVEB against the projections in our region's most recent conformity update. We then accomplished two other comparisons, as described in the following paragraphs.

DEPARTMENT OF TRANSPORTATION

600 East Fourth Street
Charlotte, NC 28202-2858
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CDOT compared the proposed MVEB against the emissions projected in this region's February 27, 2007 draft conformity update (whose public comment period ended May 3). In that latest update the region did pass the required tests for 2010, showing the new transportation plan (and the "2007-2013 TIP") will be consistent with air quality goals. To test the adequacy of the proposed county-level MVEB, the 2010 projected emissions for each county would have to pass the budget test with the proposed county level MVEB.

The results of the comparison of 2010 emissions are presented in Table 1. Iredell (a partial county) would fail the budget test and thus the "2007-2013 TIP" would have to change in Iredell County, or else the entire Metrolina area would lapse and have Federal transportation funding suspended. However, Iredell (a partial county) had no proposed project changes in the "2007-2013 TIP," and it would be extremely difficult to design and complete any transportation projects which would result in a 255 kg/day emissions reduction by 2010. If the proposed county-level MVEBs had to be used for the current conformity document, the Metrolina region would suffer a conformity lapse and a suspension of Federal transportation funding. However, if there was a multi-county budget (as the Metrolina area has recommended, in writing, to DAQ), the region would pass the multi-county budget test in 2010. *Would DAQ conclude that these county-level MVEBs create a conformity problem, but the multi-county MVEB does not?*

TABLE 1 Analysis year = 2010	NOX Budget (Kg/day)	NOX Model (Kg/day)	NOX Difference (Kg)	NOX Pass/Fail
Cabarrus	7,788	6,088	1,700	PASS
Gaston	8,602	5,964	2,638	PASS
Iredell	4,631	4,886	-255	FAIL
Lincoln	3,317	3,042	275	PASS
Mecklenburg	29,270	25,101	4,169	PASS
Rowan	7,675	5,824	1,851	PASS
Union	5,070	4,679	391	PASS
Total	66,353	55,584	10,769	PASS
Total Excl. Cabarrus & Rowan	50,890	43,672	7,218	PASS

After EPA's approval of the MVEB, a new conformity analysis would be triggered, but the test year would be 2009 instead of 2010. The results of the emissions comparison for 2009 are presented in Table 2. Iredell (a partial county) and Union Counties would fail the budget test using county-level MVEBs. As in the previous scenario, the entire Metrolina area would lapse and have Federal transportation funding suspended for capital projects. This situation would be avoided if there was a multi-county budget covering all counties except Cabarrus and Rowan; or if appropriate MVEB were specified for the SIP. *Does DAQ believe it would be prudent to ask EPA to approve county-level MVEBs that would likely result in a transportation conformity lapse for the entire Metrolina area?*

TABLE 2 Analysis year = 2009	NOX Budget (Kg/day)	NOX Model (Kg/day)	NOX Difference (Kg)	NOX Pass/Fail
Cabarrus	7,788	6,797	991	PASS
Gaston	8,602	6,911	1,691	PASS
Iredell	4,631	5,515	-884	FAIL
Lincoln	3,317	2,776	541	PASS
Mecklenburg	29,270	28,922	348	PASS
Rowan	7,675	6,507	1,168	PASS
Union	5,070	5,196	-126	FAIL
Total	66,353	62,623	3,730	PASS
Total Excl. Cabarrus & Rowan	50,890	49,319	1,571	PASS

The NOx emissions shown in Tables 1 & 2 result in part from using “time of day” VMT and speeds (AM peak, PM peak, mid-day, and night). This procedure only began to be used in the latest draft conformity document, and was not used by DAQ to make its MVEB calculations. EPA indicated during the interagency consultation (in which DAQ was a participant) that the time of day analysis is an improvement in planning assumptions and would be expected in future conformity determinations for the Metrolina area.

Table 3 is the same as Table 2, except this time a single daily average VMT and speed for each county was projected by CDOT, to be more comparable to DAQ’s proposed MVEBs. The results still show Iredell and Union Counties failing, but by smaller amounts. Once again, had DAQ used a multi-county budget, there would be no problem. *How did DAQ select the MVEB for the draft SIP document?*

TABLE 3. 2009 Daily Aggregate VMT & Speed	NOX Budget (Kg/day)	NOX Model (Kg/day)	NOX Difference (Kg)	NOX Pass/Fail
Cabarrus	7,788	6,444	1,344	PASS
Gaston	8,602	6,630	1,972	PASS
Iredell	4,631	5,358	-727	FAIL
Lincoln	3,317	2,763	554	PASS
Mecklenburg	29,270	28,215	1,055	PASS
Rowan	7,675	6,505	1,170	PASS
Union	5,070	5,167	-97	FAIL
Total	66,353	61,082	5,271	PASS
Total Excl. Cabarrus & Rowan	50,890	48,133	2,757	PASS

Although the multi-county MVEB approach overcomes the obvious problems with DAQ’s county-level approach, there is still very little room to spare. While DAQ used data provided by the Metrolina area, DAQ appears not to have allowed for possible (but not yet quantified) causes for higher emissions calculations in the period immediately after EPA approval of the MVEBs. Of particular concern are the next round of population growth projections, which could exceed current projections for 2009; and the unknown impact of the new MOVES model on NOx emission estimates once it replaces

MOBILE6. Other near-term, undefined changes to travel assumptions are possible. In Table 4 below, CDOT re-evaluated the emissions projected for 2009 with higher population projections for Mecklenburg and Union (based on State Data Center projections), while the rest of the region was allocated a 2009 interpolated version of the population projections for the Long-Range Transportation Plan. We also used MOBILE6 default start data, as a surrogate to using the as yet unavailable MOVES model. This time, using the “time of day” VMT and speed inputs, Iredell, Union, and Mecklenburg would fail a 2009 conformity budget test. Worse, the entire region would fail, even if there was an area-wide MVEB for the region. Table 4 shows the result of using the single daily average (instead of “time of day”) VMT and speed for each county. The outcome is still predicted to be failure, even for the Metrolina area as a whole. This is why we believe that DAQ must revise its MVEB to reduce the risk of forcing a Metrolina conformity lapse due to possible, but not yet quantified changes to travel assumptions.

TABLE 4.				
2009 Daily Aggregate VMT & Speed	NOX Budget (Kg/day)	NOX Model (Kg/day)	NOX Difference (Kg)	NOX Pass/Fail
Cabarrus	7,788	6,684	1,104	PASS
Gaston	8,602	7,148	1,454	PASS
Iredell	4,631	5,749	-1,118	FAIL
Lincoln	3,317	2,970	347	PASS
Mecklenburg	29,270	31,330	-2,060	FAIL
Rowan	7,675	7,026	649	PASS
Union	5,070	5,860	-790	FAIL
Total	66,353	66,767	-414	FAIL

CDOT regrets having to make these comments about the MVEBs. DAQ had months to provide their calculations to the stakeholders. Having begun the process in October 2006, of discussing the MVEB, DAQ was supposed to hold a stakeholder meeting to show the results in January 2007, based on the attached interagency meeting summary. However, DAQ delayed the stakeholder meeting until April 17, 2007, six days after the draft document was released to the public, and only nine days prior to the public hearing in Charlotte. Had DAQ allowed the stakeholders to see the MVEB calculations prior to their release in the draft SIP document (as they said they would at the bottom of page 2 of their September 16, 2005 letter), the problems mentioned would have been identified sooner, and public comments about the inadequacy of the county-level MVEBs possibly could have been avoided.

The Metrolina region, in its February 16, 2006 letter to DAQ, stated that it preferred a multi-county MVEB, because it would be easier to manage the transportation conformity process than would budgets for each county. The tables presented above confirm the value of that recommendation. Furthermore, because conforming transportation plans must also be fiscally constrained, and it is well established that there are no surplus funds for any county or MPO to build more projects than are currently funded, there is no chance that any county or MPO would be able to usurp the MVEB surplus.

Therefore, CDOT strongly recommends DAQ replace the county-level MVEB approach with the multi-county MVEB recommendation submitted by the Metrolina area partners, as this choice would present much less risk for conformity lapse.

No documentation the county level budgets are critical

The analysis presented above does raise an additional issue very relevant to DAQ's decision to use county-level MVEBs over the preference of the Metrolina area to have a multi-county MVEB. DAQ has identified that, while they agree it would be easier to pass transportation conformity if there was one large budget, as opposed to county-by-county budgets, "the purpose of conformity is to help ensure that transportation plans, programs, and projects do not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. Therefore, setting budgets in a way that makes it easier to meet the transportation conformity requirements, without fully considering the air quality objectives, is not consistent with the purpose of transportation conformity."

Unfortunately, DAQ has not provided technical documentation to show that county-level MVEB will result in better air quality compared to a multi-county MVEB. Did DAQ perform an analysis showing the multi-county MVEB requested by the Metrolina area will result in worse air quality than county-level MVEB? Has DAQ evaluated the potential impact of a given hypothetical redistribution of the total of MVEBs among the counties in the Metrolina area (i.e., increased motor vehicle emissions from county A, balanced by decreased motor vehicle emissions from county B), and are those projections available for review? We believe that without any such technical documentation DAQ lacks support for their conclusion on page 63 of the SIP draft, that

"It is important that the large counties in the area meet the county level NOx MVEBs that closely represents the emissions that were modeled for the attainment demonstration."

If DAQ is lacking the technical foundation for their insistence for a MVEB for each county, then would this mean that DAQ's decision to refuse to create a multi-county MVEB was not based on any analysis? This question is important because DAQ's decision to use county-by-county MVEBs appears to be arbitrary. Of all the interagency parties involved in the consultation process all agreed to the multi-county MVEB distribution described in the February 16, 2006 letter (Appendix B of the SIP document), except DAQ. DAQ overruled the preference of those parties most directly responsible for maintaining transportation conformity, the MPOs. DAQ's county-by-county MVEB decision has not represented the true spirit of interagency consultation called for in the SIP process. If DAQ's choice is a technical one, DAQ should present the air quality modeling analyses comparing the impact of county-level MVEBs to the multi-county MVEB.

Emissions crosses county boundaries.

CDOT staff have shown by applying the Metrolina Regional Travel Demand Model that projected VMT growth is not restricted to the county with just the increase in jobs or

other attractions, but county-level projections 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 relationship between growth, travel, and emissions. DAQ'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. Is this your intent and a reason for proposing county-level MVEBs?

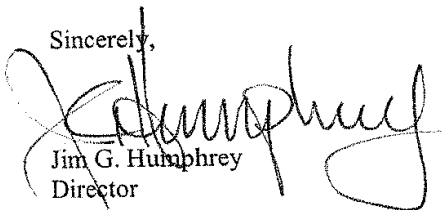
County level MVEBs rare outside of NC.

We have 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 an MPO. What reasoning makes DAQ's choice of county-level MVEBs for the Metrolina area so unique?

Concluding request.

In conclusion, DAQ should reconsider its choices for the county-by-county MVEBs, and allow the Metrolina area a reasonable chance to avoid an upcoming transportation conformity lapse. No new calculations would be needed to accomplish this. Only some minor text changes would be needed so that the SIP would become a realistic document. We continue to be ready to assist you to resolve these difficult technical issues.

Sincerely,



Jim G. Humphrey
Director

Attachment: 10/20/06 Metrolina MVEB Interagency Consultation Meeting Notes

cc: MUMPO members
Charlotte City Council
Centralina Council of Governments
Hank Graham, Gaston Urban Area MPO
Robert Cook, Mecklenburg-Union MPO

10/20/06 Metrolina MVEB Interagency Consultation Meeting Notes

Attendees (in person): Mike Abraczinskas (NCDAQ), Eddie Dancausse (FHWA), Phil Conrad (CRMPO), Eldewins Haynes (CDOT), Joe McLelland (CDOT), Anna Gallup (CDOT), Dana Stoogenke (Rocky River RPO), Dana Etherton (Meck AQ), Leslie Rhodes (Meck AQ), Dawn Qiu (Lake Norman RPO)

Attendees (via phone): Jonathan Parker (NCDOT), Shannon Ransom (NCDOT), Linda Doce, (NCDOT), Lynorae Benjamin (USEPA), Hank Graham (GUA MPO), Randi Philbeck (GUA MPO), Vicki Chandler (NCDAQ), Heather Hildebrandt (NCDAQ), Jack Flaherty (NCDOT)

Meeting Purpose: The objective of this meeting was for NCDAQ to provide an overview of the proposed method for calculating the 2009 Motor Vehicle Emission Budgets (MVEBs) in the Metrolina Attainment Demonstration State Implementation Plan (SIP). Input data that must be used in the MVEB calculations was shared with the group. Inputs to the MOBILE6 model that we have choices on were discussed.

Schedule: NCDAQ went over the Metrolina 8-hr ozone SIP schedule shown below.

October 20, 2006	MVEB consultation meeting (how MVEBs will be calculated, not geographic extent of MVEBs)
~October/November 2006	Modeling completed
~Early Winter 2006/2007	Modeling analysis (performance, attainment test, weight of evidence)
~Late January 2007	Stakeholder meeting
~March 9, 2007	Draft documentation complete
~March 26, 2007	Pre-hearing draft completed and made available to public, comment period begins
~Week of April 23, 2007	Public hearing
~April 30, 2007	Public comment period ends
~June 1, 2007	Submit Attainment Demonstration to EPA*

*The absolute deadline for submitting the Metrolina Attainment Demonstration SIP to USEPA is June 15, 2007.

Adequacy or Approval: A question was asked about when the MVEBs might become effective. The timing could depend on what is asked of USEPA. If MVEB adequacy is requested, new MVEBs can be found adequate in 3-4 months (separate Federal Register notice) but must not raise significant public comment. If there are significant comments, this task can take up to 6-7 months. If we wait for full approval of the SIP, then MVEBs will be effective no later than December 15, 2008. Lynorae provided "*EPA's Timeline for Adequacy Process for Newly-Established MVEB*" following the meeting via e-mail. It was suggested that we table this discussion of adequacy or approval until later in the SIP process. At that time, one of these options may emerge as the most desirable based on upcoming conformity schedules.

MVEB calculation process: NCDAQ discussed how they would calculate the MVEB. This would be done with MOBILE6.2 using many of the same input parameters as what was used in the attainment demonstration modeling. All of the attainment demonstration modeling began 2 summers ago. On-road mobile emissions were generated using the most recent data acquired from the transportation partners at that time. Now, as we get ready to calculate the MVEBs for the Metrolina area, we have this opportunity to use newer data (if any exists) as long as it is not significantly different from what was used in the attainment demonstration modeling. If new data sets are available for MVEB calculations, and do not reveal significantly different emissions than the modeling results, then this data should be incorporated at this time.

The following MOBILE6.2 Model Input Parameters were discussed:

- **Temperatures/Relative Humidity:** NCDAQ suggested using average temperature and relative humidity profiles from Charlotte (KCLT) from July 2002. The question was raised how this compares to what was used in the 8-hr ozone modeling. In the modeling, grid specific temperatures and relative humidity from the meteorological model were applied. 2002 was the base year modeled. There was a question about how typical/average July 2002 was. NCDAQ was not sure and committed to do a comparison of 2002 temperatures to "average" to see if July 2002 was abnormal in any way.
- **Speeds:** Travel Demand Model average daily speeds by county and facility type will be used. A handout was shared with the set of 2009 speeds that NCDAQ is working with. No new data is anticipated. NCDAQ asked to be notified by early December 2006 if any new 2009 speed data would be forthcoming.
- **Vehicle Age Distribution:** NCDOT has indicated that the 2005 vehicle registration data will be available in the next couple of weeks. As long as the new data is not significantly different than what was used in the attainment modeling, it will be used to generate the vehicle age distribution in the MVEB setting process. If the 2005 data is not available in time, the 2004 data will be used. Also, it was noted that the Mecklenburg and Gaston Counties registration data is used for developing the vehicle age distribution in those counties. The registration data from NC's less urbanized counties is used for the remainder of the Metrolina Counties.
- **VMT Mix:** NCDAQ expects to receive new count data (2004-2006) from NCDOT's Traffic Survey Group (in December 2006) to develop a new statewide VMT mix based on the methods outlined in the August 2004 USEPA Technical Guidance. As long as the new data is not significantly different than what was used in the attainment modeling, it will be used to generate the statewide VMT mix in the MVEB setting process. The new statewide VMT mix will be adjusted based on Metrolina local count data using methods also outlined in the August 2004 USEPA guidance. If the new count data isn't received, the 99-01 count data will be used to generate the statewide VMT mix using the same USEPA methods. This statewide VMT mix would be adjusted with the Metrolina local data. CDOT encourage the use of the newer data.
- **VMT:** A copy of the 2009 VMT that was used in the attainment demonstration modeling was shared with the group. No new data is anticipated. NCDAQ asked to be notified by early December 2006 if any new 2009 VMT data would be made available.

Other: It was suggested by CDOT that Iredell's MVEB (partial county) be included with Mecklenburg's MVEB because the magnitude of the emissions would be small and thus the margin of error would be small (high uncertainty). NCDAQ acknowledged Iredell County is growing at a fast pace and to account for this growth, the grown 2009 HPMS VMT was adjusted by a factor of 1.4 based on prior feedback from NCDOT and CDOT. NCDAQ noted they would consider the suggestion put forth by CDOT by looking at data such as emissions, VMT, employment, population, commuting patterns, etc.

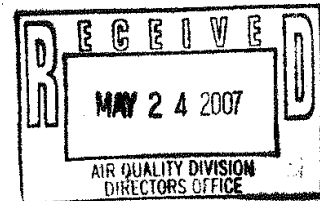
USEPA asked if NCDAQ would pursue VOC insignificance as a precursor of ozone in Metrolina area. NCDAQ indicated that is a strong possibility. NCDAQ explained that if VOC insignificance is approved by USEPA in the SIP process, then there would not be a MVEB for VOCs for conformity purposes, only a NOx MVEB. NCDAQ will coordinate with SC on whether VOC insignificance will be pursued for the Metrolina attainment demonstration SIP.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

MAY 17 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 April 9, 2007, transmitting a prehearing package regarding the attainment demonstration for the North Carolina portion of the Charlotte-Gastonia-Rock Hill, NC-SC 8-hour Ozone Nonattainment Area (NAA). These rules were the subject of a public hearing held on April 26, 2007.

On December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded Environmental Protection Agency's (EPA) Phase I rule implementing the 1997 8-hour ozone national ambient air quality standards (NAAQS). The Agency petitioned for a rehearing of the Court's decision and the court has not yet responded to that petition. We do not yet know how any issue related to 8-hour ozone will ultimately be affected by the recent vacature of Phase I of the 8-Hour Ozone Implementation Rule. EPA continues to work with the Department of Justice regarding this matter. As noted in a March 19, 2007, memorandum from Bill Wehrum, Acting Assistant Administrator of the Office of Air and Radiation to EPA Regional Administrators, we encourage states to continue with efforts to meet the 8-hour ozone NAAQS as you are doing in the Charlotte area.

We have completed our review of the prehearing submittal and have substantive comments regarding the Reasonably Available Control Measures (RACM). Additional comments are included in the enclosure.

Reasonably Available Control Measures (RACM): Chapter 6.1, page 55, discusses the RACM analysis for the Charlotte 8-hr NAA.

- a. We understand that many of the nitrogen oxides (NO_x) and volatile organic compounds (VOC) point sources have undergone major reductions, but there still needs to be a complete discussion on why other available measures will not advance attainment. Limiting the RACM analysis to only nonroad and on-road mobile sources does not provide sufficient analysis to comply with the RACM requirement and should include any possible point source control measures not currently controlled. The RACM section

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should reference the discussion that supports the assertion that the entire state is NOx limited and that VOC controls do not need to be assessed. It is unclear if a demonstration of insignificance (if provided) for VOC or any precursor pollutant can be used in a RACM demonstration.

- b. Further explanation regarding why the nonroad and on-road mobile sector control measures cannot be implemented by May 2009 is necessary.
- c. The potential controls for all emission source categories and precursors should be presented and discussed. The discussion should include the criteria that were used to judge each potential control for RACM applicability. Such criteria could include economical feasibility (with cost criteria), technical feasibility, authority to implement, implementation by 2009 or sooner to advance the 2010 attainment date, potential emission reductions (tons per year), etc. This information could be presented in tabular form using the following:

Emission category	Control measure	Emission reduction (tpy)	Cost	Economically feasible (y/n)	Technically feasible (y/n)	Implementation by 2009? (y/n)	Other criteria	RACM yes/no
Point								
Area								
Nonroad mobile								
On-road mobile								

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,



Kay T. Prince
Chief
Air Planning Branch

Enclosure

ENCLOSURE

We have the following additional comments on the prehearing submittal for the attainment demonstration of the North Carolina portion of the Charlotte-Gastonia-Rock Hill, NC-SC 8-hour Ozone Nonattainment Area (NAA).

Executive Summary

1. Table 1 on page v presents the 2009 future design values developed through modeling for each air quality monitor in the Charlotte NAA. Table 5.3.4-1 on page 51 presents air quality design values for the past four years at each NAA monitor. Please provide an explanation for a predicted decrease in the design value for 2004-2006 at all monitors with the exception of the Enochville Monitor in Rowan County.
2. In Section 2.54, please consider noting that the planning assumptions for the MOBILE inputs were developed through interagency consultation with the transportation partners for this area. Also, please note in this section if there were any differences for the MOBILE assumptions and the travel related information used to develop the attainment demonstration (i.e., ASIP modeling) and the budgets. Although, these issues are discussed in Appendix F.3, it may help the reader to know this information when they are reading the overview. The reader should be referred to Appendix F.3 for the details since there is a detailed technical discussion in this Appendix on these issues.
3. Section 4.2.5, "Clean Air Interstate Rule," Page 45, typo – Annual SO₂ cap should be 137,342 tons for 2010-2014 and it should be 96,139 tons for 2015 and each year thereafter.
4. Section 6.2, Table 6.2-3, Page 58 – It would be helpful to include a reference to Appendix O with Table 6.2-3.
5. In Section 6.7 "Gasoline Vapor Recovery", there is discussion that the pre-piping requirement for gasoline vapor recovery will be removed from the SIP. Please clarify in the final submission how this will be done (i.e., through a rule change and separate SIP revision), and discuss the impact on emissions (as a result of this change) for this area.
6. In section 7.2, there is a discussion on the inspection and maintenance program and the incidental reductions in VOC emissions as a result of this program. Please provide quantification (as was provided for Rocky Mount) of the anticipated reductions in VOC emissions as a result of the inspection and maintenance program for this submittal. Also, it should be noted in the submittal that the VOC insignificance was discussed and agreed to through interagency consultation.
7. The Metrolina SIP Narrative (SIP Narrative) mentions "USEPA guidance" in reference to modeling guidance but does not identify the specific guidance. We recommend that the title of the guidance (including the document date) that was used in the attainment modeling demonstration be included in this narrative. It is assumed that EPA "Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone,

PM_{2.5} and Regional Haze” (see http://www.epa.gov/ttn/scram/guidance_sip.htm#8ozone) is the guidance being referenced in the narrative.

8. Emission Inventory – Point Sources

- a. Specific information on the point sources that are modeled and included in the modeling for the Charlotte NAA is not presented. At a minimum, we recommend that this comment be addressed with a list of the point sources with emissions by ozone precursor pollutants, facility identification numbers, emission unit identifiers, emission rates used, control applied, location (i.e., county, x, y, lat/long, etc.).
- b. Summary tables of the emissions by area and nonroad mobile source category for the NAA by emission process description (e.g., aircraft, locomotives, open burning (slash, residential, prescribed, etc.), fires, degreasing, surface coatings, other various combustions, dry cleaners, etc. should be provided to document the emissions in the NAA. This information could be referenced in the discussion in section 2.5.2 and located in an appendix.
- c. Appendix E - The tables in Appendix E that provide the 2002 and 2009 county totals for the Charlotte NAA emissions should also include the total emissions by emission category for all counties and for the NAA.

Appendix F – On Road Mobile Source Emissions Inventory

9. Section 3 “MOBILE6.2 INPUT ASSUMPTIONS FOR MOTOR VEHICLE EMISSION BUDGETS”: It is not noted as clearly as it is in section 2 “MOBILE6.2 INPUT ASSUMPTIONS FOR VISTAS/ASIP” that interagency consultation was used to develop these planning assumptions. For clarification, please provide this same notation so that it is clear that consultation was used to develop the budgets. This is done later in section 4 but may be useful to the reader in this section as well.
10. Section 3.3 “Development of Vehicle Mix”: There is a notation that the vehicle mix used in developing the MVEBs is the Metrolina area vehicle mix discussed in 3.3.2. Please clarify where section 3.3.2 can be located because there does not appear to be a section 3.3.2 in the narrative or this Appendix that corresponds.
11. Section 4.3 “Motor Vehicle Emissions Budgets”: It would be more accurate to say for the second sentence “By the time the MVEBs are found adequate or approved by the USEPA....”
12. VOC Insignificance Demonstration: For the VOC insignificance discussion, we suggest that North Carolina include a statement that makes clear that an affirmative insignificance finding from EPA only relieves the transportation partners from a regional emissions analysis for VOCs for this area and does not relieve them of the other transportation conformity requirements. The transportation partners should note the VOCs insignificance finding (if found adequate and approved by EPA) for future conformity determinations.

Appendix L – Emissions Inventory Documentation

13. Section 2 “Monitored Attainment Test”:

- a. The first paragraph of section 2 states that the modeled attainment test is failed for future design values (DVs) greater than 87 parts per billion (ppb). The attainment test is failed for DVs greater than or equal to 85 ppb.
- b. The appendix discusses the EPA recommendations for determining the nearby grid cell to use in the modeled attainment test but does not state which array size was used in the modeled attainment test analyses for the Charlotte NAA monitors.
- c. Also, it is unclear how the future and current nearby concentrations were chosen (highest, average, etc.).
- d. Table 2-2, page 4, presents Metrolina attainment test results for 2009 for the Charlotte NAA monitors and lists the number of days used developing the relative response factors (RRFs). Please provide a list of the days and the corresponding modeled concentration values that were used at each monitor in the development of the relative reduction factor analysis in the monitor attainment test. The submittal should also include this data.

14. Alternative monitored attainment test:

- a. Section 3.1 presents alternative DV calculations based on a straight average of the 4th highest daily ozone concentrations for the 2000-2004 years. This approach differs from EPA's recommendation by not weighing 2002 as heavily in developing the current year design value (DVC).
- b. The alternative test is proposed since 2002 was a "hot and dry year throughout the Southeast resulting ozone concentrations that were higher than normal and that were much higher than in the surrounding years of 2000, 2001." It is unclear how 2002 was determined to be an anomalous year for ozone formation based on three years. The rationale for this assumption should be presented if this alternative approach is used. However, a much longer time period should likely be used in the anomalous determination since meteorological fluctuations that can and do randomly occur over short periods of time.

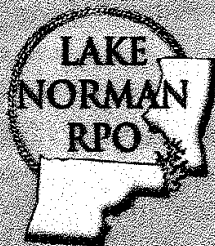
15. Section 3.4 and Executive Summary - Section 5.3.4: Section 3.4 discusses air quality trends and additional reductions in emissions that will help to reduce the design values below the 8-hr ozone NAAQS and towards attainment. It is unclear if the reductions discussed in this section were modeled. If they were modeled, then their reductions would be reflected in the predicted DVs from the monitored attainment test. If they were not modeled, it is unclear why they are not discussed in the section on local measures not modeled. Please explain.

16. Section 3.5 and Executive Summary - 5.3.5:

- a. This section states that additional reductions that were not modeled are expected from the Duke Energy Plant Marshall facility in Catawba County. Additional discussion on the proximity of the power plant to the NAA and why reductions from this plant and location are beneficial to improving air quality in the area is recommended. Existing local modeling sensitivity analyses could be used in this discussion.
- b. The impact of NOx emission reductions from nearby power plants on ozone formation in the Charlotte NAA has not been discussed. As presented, it is unclear how reductions from the Marshall plant would benefit Charlotte's air quality problems. Please provide an explanation.

- c. This section discusses reductions in volatile organic compounds (VOC) that were not modeled but would likely results in decreasing ozone forming potential by 2009 such that lower DVFs are achievable. If reductions are discussed in this section as control options, they should also be discussed in the RACM analysis.
17. Weight of Evidence (WOE) Analysis – Section 3.5:
- a. The EPA recommended approach to develop the current year design value (DVC) for the RRF analysis was not recommended by North Carolina for the SIP revision. An alternative approach to develop the DVC was recommended that does not heavily weigh 2002 air quality because may have been an abnormally hot/dry ozone season. The alternative approach was recommended because it minimizes the impacts of abnormal conditions. The ozone forming potential for an area varies from year to year. The three years that are used to develop a design value for an area could include any number of combinations of meteorological conditions that could lead to or detract from ozone formation. Whether or not abnormal conditions exist would need an examination of more years than 3 to 5. As for EPA’s approach to develop the DVC, all five years of air quality are represented and the impacts of meteorological fluctuations are addressed. It has not been sufficiently demonstrated in the NC SIP that 2002 or any of the years being represented in the calculation and air quality data represents an abnormally hot/dry or cool/wet year to support the NC alternative monitored attainment test.
 - b. The WOE analysis could benefit from the addition of a discussion and/or plot on the trend in 8-hour ozone exceedances days per year for a few selected monitor sites (e.g., County Line, Garinger, Enochville, Rockwell).
18. Unmonitored Area Attainment Analysis:
- a. An unmonitored area attainment test is recommended by EPA for attainment modeling demonstrations. This test helps to identify potential problems within or near a nonattainment area. Chapter 5 of the SIP Narrative should also discuss this part of the attainment demonstration, even though it is mentioned in Appendix L.
 - b. Section 4 of Appendix L mentions that the “beta” (draft) version of the “Modeled Attainment Test Software” (MATS) tool has been reviewed. It also mentions that the tool will be used after it is final, peer reviewed and documented. We look forward to receiving your unmonitored analysis upon completion of this work. However, any preliminary results developed through the beta version could be presented with the appropriate caveats about model uncertainty with the tool, its draft status, etc.
19. Conceptual description: The conceptual description of the problem to be addressed in the 8-hr ozone SIP was not discussed in the SIP Narrative as a part of the attainment modeling demonstration. It is a part of this documentation. However, such a discussion is presented in the modeling protocol in Appendix D. We recommend that that discussion be referenced in the SIP Narrative.
20. Emission Trends: There is little discussion on emission trends in the Charlotte NAA. Such a discussion should accompany air quality trends and analyses and should highlight improvements in air quality that are associated with emission reductions.

21. Please provide additional information on how the freeway ramps were accounted for in the MOBILE6.2 modeling.



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May 14, 2007

Ms. Laura Boothe
North Carolina Division of Air Quality
North Carolina Department of Environment and Natural Resources
1641 Mail Service Center
Raleigh, North Carolina 27699-1641

Re: Metrolina Attainment Demonstration

Dear Ms. Boothe,

The Lake Norman Rural Planning Organization (LNRPO) Transportation Coordinating Committee (the TCC) has been approved by our policy board chairman, Commissioner Thomas Anderson of Lincoln County, to send this letter on behalf of our membership. The LNRPO includes Iredell, Lincoln, a portion of Gaston, and all of Cleveland Counties, and serves as the transportation planning organization for this area.

In January of 2006, we supported the establishment of official Motor Vehicle Emissions Budgets (MVEBs) on a "subregional" (i.e., Gaston, Lincoln, Mecklenburg, Union and South Iredell) basis, understanding that the Cabarrus-Rowan MPO wished to have its membership covered by single-county budgets. We did so in the belief that such an approach increased our likelihood of being able to produce conforming transportation plans. We also had discussed the use of an interlocal agreement signed by the participating counties to monitor VMT growth and projected emissions regularly against the proposed county-level budgets, which would be used as unofficial targets to ensure that the attainment demonstration was not jeopardized by a growth pattern significantly different from that included in attainment modeling. We believed then, and continue to believe, that such an approach is sound both technically and politically, as it fosters the engagement of all our communities in addressing this regional issue.

Upon release of the draft SIP, we were pleased to hear that Charlotte DOT, as Regional Travel Demand Model Custodian, had conducted a review of the adequacy of the proposed county-level MVEBs. We are very concerned by the results of this analysis. We understand that it appears that Iredell County would fail the MVEB test in both a 2009 and 2010 conformity process, given our current fiscally-constrained transportation plans, and that Lincoln County would be close to doing so. We further understand that Union County also would fail a 2009 MVEB test based on current plans. However, in all cases, the region passes if either a single regional budget, or the "subregional" approach that we supported, is used.

Ms. Laura Boothe
May 14, 2007
Page 2

We believe that NCDAQ's insistence on county-level budgets is putting our member governments at unnecessary risk of failing the transportation conformity MVEB test. We strongly encourage reconsideration of this approach, and continue to recommend the use of at least the "subregional" approach that was suggested by the majority of the transportation partners in this region and that met with NCDOT's acceptance.

This matter will be discussed by our policy board at their May 22 meeting and further communication may be forthcoming from that group. However, we believe that this matter is sufficiently important that our comments needed to be included as a part of the official SIP public comment process.

We look forward to working cooperatively with NCDAQ to resolve this issue, in the interest of improvements in air quality in our region.

Sincerely,



Steve Gurley, AICP, Chairman
Transportation Coordinating Committee

cc: Lake Norman RPO TCC
Lake Norman RPO TAC Chairman
Centralina COG Chairman
Mr. Keith Overcash, Director, NCDAQ
Mr. Brock Nicholson, NCDAQ
Ms. Sheila Holman, NCDAQ
Ms. Terry Arrellano, NCDOT
Mr. Alpesh Patel, Metrolina Unit Head, NCDOT

MECKLENBURG - UNION
METROPOLITAN PLANNING ORGANIZATION

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May 15, 2007

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Ms. Laura Boothe
Division of Air Quality
1641 Mail Service Center
Raleigh NC 27699-1641

Dear Ms. Boothe:

Subject: Comments on the NC 8-Hr Ozone SIP Document

On behalf of the Mecklenburg-Union Metropolitan Planning Organization (MUMPO), I want to thank the Division of Air Quality for affording this opportunity to comment on the Ozone SIP draft document dated April 5, 2007. We believe these comments are in the best interest of MUMPO in maintaining transportation conformity at minimal risk of a lapse, and also doing our fair share to help achieve the ozone NAAQS by 2009.

We continue to support a multi-county MVEB as an appropriate methodology. County-by-county MVEBs, as you propose, are unnecessary and appear to be without technical merit given the lack of technical basis provided. Listed below are the specific concerns expressed to me by Charlotte Department of Transportation (CDOT) staff, who do the technical work for our conformity updates.

Increased Risk of a Conformity Lapse

MUMPO understands that with EPA's approval of a MVEB for each county, each county will have to pass a budget test. Failure by any one county to pass could cause the entire Metrolina region to lapse. More narrowly focusing on the MUMPO, a failure of either Mecklenburg or Union County to meet its MVEB would cause a lapse. Counties in North Carolina have no transportation planning responsibilities. Only MPOs, such as MUMPO, are designated to prepare conformity updates.

As soon as CDOT staff first received the SIP with the proposed MVEBs for each county, they analyzed the MVEB with the results presented in Table 1. Two counties would exceed the MVEB and a lapse would occur that would cause the loss of federal funding, even though the MUMPO as a whole would pass if the MVEBs were combined. We feel county-by-county budgets unnecessarily expose the MUMPO to a conformity lapse.

TABLE 1	NOX Budget	NOX Model	NOX	NOX
Analysis year = 2009	(Kg/day)	(Kg/day)	Difference (Kg)	Pass/Fail
Cabarrus	7,788	6,797	991	PASS
Gaston	8,602	6,911	1,691	PASS
Iredell	4,631	5,515	-884	FAIL
Lincoln	3,317	2,776	541	PASS
Mecklenburg	29,270	28,922	348	PASS
Rowan	7,675	6,507	1,168	PASS
Union	5,070	5,196	-126	FAIL
Total	66,353	62,623	3,730	PASS
Mecklenburg & Union	34,340	34,118	222	PASS
Total Excl. Cabarrus & Rowan	50,890	49,319	1,571	PASS

No Documentation that County Level Budgets are Critical

Why county level budgets are better than a multi county budget has not been quantified, even though we have committed to predict VMT and emissions for each county to track how growth trends compare to projections.

County Budgets do not relate to VMT

VMT growth is not restricted to the county with the increase in jobs or other attractions. Growth in one county affects VMT across a wide geography (multi-county). Utilizing a multi-county budget would be more consistent with the relationship between growth and emissions. DAQ's proposed county-level budgets would have the potential to restrict population and economic growth in specific counties. This approach appears to be unfair and unnecessary.

MVEB is a tool for conformity, not attainment

You have stated that county level MVEBs will help attainment. We assume you mean that conformity is a tool for attainment. We are not aware that the MVEBs are an attainment tool. If so, please explain why you think otherwise.

Spirit of Interagency Consultation Process Bypassed

The three MPOs in the nonattainment area, and NCDOT, all supported use of a multi-county MVEB. DAQ was the lone exception.

Other Areas of the Country are utilizing multi county MVEB

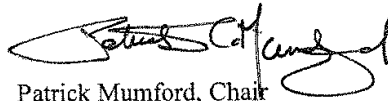
We have not found a similar area committing to county-level MVEB. The fact that the EPA establishes regions in ozone nonattainment and requires regions to meet conformity certainly implies that their focus is on regionwide air quality budgets, not county-by-county budgets.

Ms. Laura Boothe
Page 3
May 15, 2007

We appreciate the DAQ's desire that the region remain in conformity and attainment. The MUMPO has the same goals. Unfortunately, technical data has not been provided to support the necessity of county-level MVEBs to meet national air quality standards. The county-by-county budgets proposed by DAQ will increase the risk of a conformity lapse and subject our region to unnecessary tribulations toward correction. We therefore again request that a multi-county MVEB be established and stand ready to assist as necessary.

MUMPO's comments are intentionally brief to highlight our concerns. We are attaching the CDOT staff comments as they are more detailed and are made with our support.

Sincerely,



Patrick Mumford, Chair
Mecklenburg-Union MPO

Attachments

cc: Mr. William Ross, Secretary, NCDENR
MUMPO members
Charlotte City Council
Centralina Council of Governments
Hank Graham, Gaston Urban Area MPO
Robert Cook, Mecklenburg-Union MPO



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
- AIR QUALITY -
May 12, 2007

Ms. Laura Boothe
Air Quality Planning Branch
North Carolina Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699 - 1641

Re: "Metrolina" Ozone Attainment Demonstration
MCAQ Comments

Dear Ms. Booth:

Mecklenburg County Air Quality (MCAQ) has attended a detailed presentation and explanation of the North Carolina Division of Air Quality's (NCDAQ) modeling and ozone SIP submittal and has reviewed in part the SIP document and provides the comments below. MCAQ recognizes and commends NCDAQ for applying what we concur is a thorough, comprehensive, "state of the science" methodology towards demonstrating ozone attainment for the "Metrolina" region. MCAQ staff recognizes that NCDAQ as well as the local air quality program desires to achieve, not just demonstrate ozone attainment for our region.

Compliance Assurance Needed

The "state of the science" demonstration projects that one monitor will continue to be in violation of the ozone NAAQS at the end of the 2009 ozone season (85 ppb at the County Line). The consequences of continuing non-attainment are high and three other predicted ozone values only slightly model compliance. MCAQ believes it is important to minimize our risk of not achieving attainment by the end of 2009. It is understood that "worst case" is extreme and may require onerous and unnecessary measures; however to be prudent, we should prepare for conditions to be nearer worst case rather than typical.

The Metrolina ozone attainment demonstration uses a recent USEPA method known as "Weight of Evidence" (WOE). According to USEPA, a WOE determination is a supplemental or corroborating analysis allowing one to draw a conclusion different from modeled attainment results. "Generally, those modeling analyses that show attainment will be reached in the future with some margin of safety (e.g., less than 80 ppb in the attainment year) will need minimal amount of supporting material (Guidance, p.29)." The less the future margins of safety the greater the need for additional evidence. Four of the 2009 modeled ozone levels for Metrolina are greater than 80 ppb, indicating the need for compliance evidence beyond the model.

Current USEPA methodology allows one to assert that a modeled violation is acceptable for an attainment demonstration within certain bounds (82 ppb – 87 ppb), if accompanied by additional modeling analysis and language describing qualitative programs that should contribute to reductions in ozone levels. It is our interpretation of EPA's Guidance that WOE allowances are qualitative discussions of multiple "programs" that may or may not be useful and are not required or expected to be quantified as well as comparison of the model used to results from other models. Alternately, USEPA guidance does not require a discussion of WOE if modeled ozone levels are less than 82 ppb since concentrations modeled

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at these levels are within a margin of safety. Given the uncertainty of modeling, and the variability of weather, MCAQ believes reliance upon this "weight of evidence" approach with four modeled values greater than 82 ppb and outside the margin of safety is inadequate to assure compliance with the standard for the Metrolina region.

MCAQ Recommendation

NCDAQ's model, the calculated future design values (DVs) and current USEPA guidance allow one to predict compliance with the ozone NAAQS for Metrolina relying solely on current control measures that will be required prior to 2009. Mecklenburg County, Gaston County and now the region have been in violation of the federal eight hour ozone standard for many years. Observed ozone levels are improving and modeling predicts they will continue to improve. The question and concern is, will they improve enough and in time to ensure that the region achieves attainment by June 15, 2010? Science says we are close enough; but common sense says we are too close for comfort. This region wishes to achieve the standard and be relieved of the economic and health consequences of non-attainment. Given past experiences in predicting the future, MCAQ believes it would be unwise not to be prepared for future ambient ozone values that may not predicate compliance.

MCAQ recommends that to ensure that the Metrolina region attains the national ambient air quality standard for ozone by June 15, 2010, that the SIP submittal include the commitment that by June 15, 2008 ozone reduction strategies that model within the margin of safety (82 ppb or below) at the County Line, Garinger, Enochville and Rockwell will be identified and analyzed and these strategies will be pre-adopted so that they could be quickly implemented prior to the 2009 ozone season, if necessary.

(strategies such as identifying controls that would reduce NOx from non-road construction activity, idle reduction programs, energy conservation programs and other controls of an episodic, temporary, or seasonal nature)

The above comments and recommendations represent the opinion of MCAQ staff and have not been approved or endorsed by the Mecklenburg County Air Quality Commission or the Mecklenburg Board of County Commissioners. MCAQ recognizes and commends NCDAQ for its diligent and conscientious efforts in conducting as thorough a modeling analysis as technologically feasible. We look forward to continue working with you to achieve ozone attainment.

Sincerely,



Don R. Willard
Director, MCAQ

cc Cary Saul, LUESA
Bobbie Shields, Mecklenburg County
Joan Liu, MCAQ
Leslie Rhodes, MCAQ
Jeff Francis, MCAQ
Randy Perkins, MCAQC

Keith Overcash, NCDAQ
Brock Nicholson, NCDAQ
Sheila Holman, NCDAQ

I have the following comments with regard to Metrolina MVEBs (for NOx).

1-A: Activity Data (VMT and speed) used for MVEBs development is about six months old but is already outdated. New time of the day data would be provided by CDOT to DAQ to update the MVEBs prior to submittal to EPA. Please use these latest data to update the MVEBs.

1-B: New Vehicle Mix data (2006) and 2005 Vehicle age distribution was provided to DAQ on 05/01/2007. by NCDOT. Please use these latest data to update the MVEBs.

2- NCDOT has strong concern about the lack of safety margin and reservation about the setting of geographic extent for MVEB about the setting of geographic extent for MVEB for the following reasons:

A- Without an adequate safety margin, shifts in VMT and speeds resulting from minor changes and updates to the travel demand model may cause changes in the estimated emissions. This is evident in both the Triangle and Metrolina regions where model improvements (to increase the accuracy of the model) have resulted in emission estimates in the rural counties that exceed the budget (or proposed budget in Metrolina).

B- Mobile model inputs other than Speed such as Vehicle age distribution and Vehicle mix would continue to change.

C- Lower magnitude of budget (even with the safety margin) in rural counties, could cause extreme burden for areas to show conformity when there is even a moderate change in data (i.e. speed).

D. Difficulty meeting the budget test in earlier horizon years such as 2009-2010 when no benefit could be gained from modifying Transportation projects.

Remedy: Adequate safety margin and combined emission budget at least for the Rural counties need to be considered in order to reduce significant risk to the Transportation Conformity in the Metrolina Area.

North Carolina } ss
Mecklenburg County }

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Affidavit of Publication

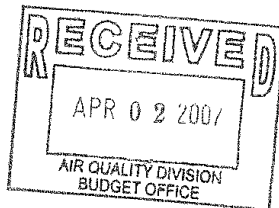
Thom Allen

THE CHARLOTTE OBSERVER

NCDENR
NERISSA KEELE
1641 MAIL SERVICE CENTER
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5930610 public notice

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TITLE: Art Clerk

DATE: MAR 29 2007

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

Notary: Signer M. Shinn

My Commission Expires: 1/1/11

My Commission Expires May 27, 2011

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 Attainment Demonstration.

PURPOSE:

The hearing is intended to inform interested parties on the 8-hour Ozone Attainment Demonstration Plan for the Charlotte-Gastonia-Rock Hill, NC SC nonattainment area.

DATE AND LOCATION:

April 26, 2007 from 3:00-5:00pm at Charlotte Mecklenburg Government Center, 600 East Fourth Street, Charlotte, NC 28202.

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 May 15, 2007, to receive additional written statements.

INFORMATION:

Copies of the proposed 8-hour Ozone Attainment Demonstration will be made available starting April 2, 2007 and may be downloaded at http://daq.state.nc.us/planning/nc_sip.shtml. Copies of the proposal may also be received at the central or regional Natural Resources, Division of Air Quality (DAQ), or at Mecklenburg County Air Quality (MCAQ), located in the following cities:

Raleigh (DAQ)	919-733-1115
Maxxville (DAQ)	704-663-6040
Charlotte (MCAQ)	704-336-5500

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

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

daq_publiccomments@dnr.state.nc.us (Note: In the subject line type Mecklenburg Attainment Demonstration)

LP5930610

B. Keith Overcash, PE, Director

Response to Comments:

Comments received by B. Keith Overcash, Director
United States Environmental Protection Agency

Comments received by Laura Boothe, Attainment Planning Branch Chief
Lake Norman Regional Planning Organization
Centralina Council of Governments
Mecklenburg County Air Quality
Mecklenburg Union Metropolitan Planning Organization
Charlotte Department of Transportation
North Carolina Department of Transportation



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 15, 2007

Kay T. Prince
Air Planning Branch Chief
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Subject: EPA Comments on North Carolina Portion of the Charlotte-Gastonia-Rock Hill, NC-SC
8-Hour Ozone Nonattainment Area

Dear Ms. Prince:

Thank you for your letter dated May 17, 2007, transmitting EPA Region 4's comments on the pre-hearing draft of the attainment demonstration for the North Carolina portion of the Charlotte-Gastonia-Rock Hill, NC-SC 8-hour ozone nonattainment area. This letter is to provide the North Carolina Division of Air Quality (NCDAQ) response to those comments.

Comments from the main letter:

EPA Comment: The Reasonably Available Control Measures (RACM) analysis needs to cover point sources in addition to nonroad and on-road mobile sources.

NCDAQ Response: The attainment demonstration also includes Reasonably Available Control Technology (RACT) requirement for point sources with potential to emit 100 tons per year or more of volatile organic compounds (VOCs) or nitrogen oxides (NOx). Since this is a new requirement for many of the counties in the nonattainment area, the NCDAQ believes that the RACM requirement for point sources is met.

EPA Comment: The RACM section should reference the discussion that supports the assertion that the entire State is NOx limited and that VOC controls do not need to be assessed.

NCDAQ Response: The conceptual description has been revised to reflect more of the details of the NOx limited situation in North Carolina. Clearly, since man-made VOC emissions only represent ten percent of the total VOC emissions inventory, controls on those man-made emissions will not advance attainment. In fact, sensitivity modeling has shown that the elimination of the man-made VOC emissions would not advance attainment.

EPA Comment: The NCDAQ needs to provide further explanation why the nonroad and on-road mobile sector control measures cannot be implemented by May 2009.

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NCDAQ Response: The RACM section has been revised to show the schedule for additional rule adoption for these sectors.

EPA Comment: The potential controls for all emission source categories should be presented and discussed.

NCDAQ Response: Through further discussions with your office it was learned that this was just a suggestion but not a requirement. The NCDAQ does not believe that it is reasonable to try to represent the information for all sources at the boarder source category level, i.e., point, area, nonroad mobile, and on-road mobile, as suggested by the EPA comment. The control measures vary by source and therefore the expected emission reductions, cost, economical and technical feasibility, as well as implementation schedule will vary by source. The NCDAQ believes that the way we have presented our RACM discussion is appropriate.

Enclosure Comments:

1. EPA Comment: Table 1 on page v presents the 2009 future design values developed through modeling for each air quality monitor in the Charlotte NAA. Table 5.3.4-1 on page 51 presents air quality design values for the past four years at each NAA monitor. Please provide an explanation for a predicted decrease in the design value for 2004-2006 at all monitors with the exception of the Enochville Monitor in Rowan County.

NCDAQ Response: This is a confusing comment as presented. The data in Table 5.3.4-1 is from the actual monitored data. The future design value in Table 1 does in fact show a predicted decrease for the Enochville monitor, from the measured 2004-2006 design value of 0.085 ppm to the predicted 0.084 ppm in Table 1 for 2009.

2. EPA Comment: Please note that the planning assumptions for the MOBILE inputs were developed through the interagency consultation process. Also, note whether there are any differences in the MOBILE modeling for the attainment demonstration and for the establishment of the motor vehicle emission budgets. Please reference the reader to Appendix F.3 for a more detailed discussion of the mobile emissions.

NCDAQ Response: These comments have been addressed in the SIP Narrative.

3. EPA Comment: Please correct the typographical error for both the NO_x and SO₂ budgets for CAIR in Section 4.2.5.

NCDAQ Response: This comment has been addressed in the SIP Narrative.

4. EPA Comment: Please include a reference to Appendix O in Section 6.2, Table 6.2-3.

NCDAQ Response: This comment has been addressed in the SIP Narrative.

5. EPA Comment: Please clarify how the pre-piping requirement for Stage II gasoline vapor recovery will be removed (i.e., through a rule change and a separate SIP submission) and discuss the impact on emissions as a result of this change for the NAA.

NCDAQ Response: These comments have been addressed in the SIP Narrative.

6. EPA Comment: Provide an estimate of the expected VOC emission reductions from the I/M program. It should be noted that the VOC insignificance determination for conformity was discussed and agreed to through interagency consultation.

NCDAQ Response: These comments have been addressed in the SIP Narrative and Appendix F.3.

7. EPA Comment: Please provide the correct citation for the modeling guidance.

NCDAQ Response: This comment has been addressed in the SIP Narrative.

8. EPA Comment: Provide specific information on the point sources in the NAA that were modeled. Provide summary tables by area and nonroad category. Provide total emissions by category for all counties and the NAA.

NCDAQ Response: These comments have been addressed in Appendix E.

9. EPA Comment: Please note that the MOBILE6.2 input assumptions for VISTAS/ASIP were developed through interagency consultation.

NCDAQ Response: This comment has been addressed in Appendix F.3.

10. EPA Comment: Please clarify where the Metrolina vehicle mix discussion can be found in Appendix F.

NCDAQ Response: This comment has been addressed in Appendix F.3.

11. EPA Comment: It would be more accurate to say for the second sentence in the MVEB discussion: "By the time the MVEBs are found adequate or approved by the USEPA..."

NCDAQ Response: This comment has been addressed in the SIP Narrative and Appendix F.3.

12. EPA Comment: It should be made clear that at VOC insignificance finding only relieves the transportation partners from a regional emissions analysis for VOCs for this area and does not relieve them of the other transportation conformity requirements.

NCDAQ Response: This comment has been addressed in the SIP Narrative and Appendix F.3.

13. EPA Comment: Please clarify wording on the attainment test. Clarify what array was used for the nearby area analysis. Clarify whether highest or average concentrations were used for the nearby area analysis. Please provide a list of which days and concentrations were used for the RRF calculations.

NCDAQ Response: These comments have been addressed in the SIP Narrative and/or Appendix L.

14. EPA Comment: The NCDAQ used an alternative calculation of the DVC in the alternative monitored attainment test. A longer period than three years should be used in establishing whether a particular year is abnormally hot and dry.

NCDAQ Response: These comments have been addressed in the SIP Narrative and Appendix L. It was the NCDAQ intention to use an alternative base design value (DVB) and the resulting attainment test results as part of the weight of evidence demonstration, not as a substitute for the official attainment test. The NCDAQ evaluated the five-year period (2000-2004), but also looked at a longer period of record to determine that 2002 was indeed hotter and drier than normal. The NCDAQ is not clear where EPA got the impression that only three years were evaluated.

15. EPA Comment: The documentation needs to clearly indicate which controls were modeled in 2009, and which controls were not modeled.

NCDAQ Response: This comment has been addressed in the SIP Narrative and Appendix L.

16. EPA Comment: The NCDAQ needs to explain the proximity of the Duke Energy Marshall Plant to the Metrolina NAA, and how the additional SCR control will benefit the NAA.

NCDAQ Response: These comments have been addressed in the SIP narrative and Appendix L.

17. EPA Comment: See item number 14 for the question and response.

18. EPA Comment: The NCDAQ should describe how unmonitored areas were addressed. EPA recommends that the NCDAQ provide the preliminary results from the beta version of EPA's Modeled Attainment Test Software (MATS).

NCDAQ Response: The first comment has been addressed in the SIP narrative. With regard to the second comment, the NCDAQ believes it is inappropriate to include preliminary results from MATS since the version has not been fully peer reviewed, and there was not documentation available in time for the NCDAQ staff to review and understand the software.

19. EPA Comment: The conceptual description should be referenced in the SIP narrative.

NCDAQ Response: This comment has been addressed in the SIP Narrative.

20. EPA Comment: The NCDAQ should include a discussion of emission trends and the resulting air quality.

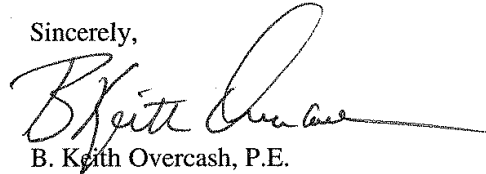
NCDAQ Response: The only historic year for which the NCDAQ has emission inventories for all source categories is 2002 and does not have emission inventories for multiple years in order to present trends data for all source categories.

21. EPA Comment: The NCDAQ should provide additional information on how the freeway ramps were accounted for in the MOBILE6.2 modeling.

NCDAQ Response: This comment has been addressed in Appendix F.3.

Thank you for your review of our pre-hearing draft. We look forward to working with EPA Region 4 during your review of our official SIP submittal for this area. If you have questions, please contact Laura Boothe of my staff at (919) 733-1488.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Keith Overcash", with a long horizontal flourish extending to the right.

B. Keith Overcash, P.E.

BKO:lab

cc: Sheila Holman
Laura Boothe



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 15, 2007

Steve Gurley
AICP Chairman
Lake Norman Regional Planning Organization
1300 Baxter Street, Suite 450
Charlotte, NC 28235

Dear Mr. Gurley:

Thank you for your May 14, 2007, comments on the pre-hearing draft attainment demonstration plan for the Charlotte-Gastonia, Rock Hill, North Carolina –South Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

In your letter you reiterated your request from January 2006 for multi-county motor vehicle emission budgets (MVEBs) and your concerns with Iredell County. The North Carolina Division of Air Quality (NCDAQ) continues to believe that county level MVEBs is the best way to ensure that the mobile emissions in this area are consistent with the emissions used in the attainment demonstration modeling. This is especially true since the attainment demonstration is relying on weight of evidence to support a showing that the region will attain the 8-hour ozone standards by 2009. The NCDAQ did increase Iredell County's MVEB by 10% since this was consistent with what was used in the attainment demonstration modeling.

In its comments on the Metrolina attainment demonstration, the North Carolina Department of Transportation (NCDOT) requested that newer VMT and speeds data based on the most recent conformity determination be used in setting the MVEBs, so that the concern with areas not meeting the proposed MVEBs could be addressed. Upon review of the data provided by the Charlotte Department of Transportation, it was discovered that the new data had new population growth data incorporated for Mecklenburg and Union Counties, but not for the rest of the region. Additionally, the new data resulted in only Mecklenburg, Union and Iredell County emissions increasing, while the remaining counties' MVEBs decreased. Since this new data was not reviewed or agreed upon by the other transportation partners, the NCDAQ did not incorporate the new data. However, the NCDAQ did commit to hold an interagency consultation meeting to get agreement on new data. This commitment does not mean that the NCDAQ will incorporate new data into the MVEBs calculations, but rather assess if the new data will jeopardize the attainment demonstration modeling. If all transportation partners agree on the new data and the new data still supports a showing of attainment of the 8-hour ozone standard in the region, then the NCDAQ can start work to revise the MVEBs.

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You also mentioned in your letter that the region had discussed the use of an interlocal agreement signed by the participating counties to monitor VMT growth and projected emissions regularly against the proposed county-level budgets. An interagency agreement, between the counties, NCDAQ and NCDOT, that outlines detailed contingency measures that would be implemented if an area were to surpass proposed county level budgets might have gone along way towards reassuring the NCDAQ that multi-county level budgets might work in this region. However, the NCDAQ did not receive any commitment from this region to do this.

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,

A handwritten signature in cursive script that reads "Laura A. Boothe".

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Patrick Butler



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 15, 2007

Rebecca R. Yarbrough
Assistant Director
Centralina Council of Governments
1300 Baxter Street, Suite 450
Charlotte, NC 28235

Dear Ms. Yarbrough:

Thank you for your May 15, 2007, comments on the pre-hearing draft attainment demonstration plan for the Charlotte-Gastonia, Rock Hill, North Carolina –South Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

In your letter you expressed your support of the weight of evidence information assembled to support the demonstration of attainment of the 8-hour ozone standard for the Metrolina nonattainment area. You also provided some specific non-modeled projects that are occurring in your region. I wish to thank you for your support and for the additional information. I have added your letter as an attachment to the section where weight of evidence is discussed in detail.

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
Patrick Butler

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Michael F. Easley, Governor

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

June 15, 2007

Mr. Don R. Willard
Director, Mecklenburg County Air Quality
Land Use and Environmental Services Agency
700 N. Tryon Street, Suite 205
Charlotte, NC 28202

Dear Mr. Willard:

This letter is in response to your May 12, 2007, comments on the pre-hearing draft attainment demonstration for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

Your comments basically indicate that the attainment demonstration for this area is too marginal in nature, and your recommendation is that the North Carolina Division of Air Quality (NCDAQ) pre-adopt such measures that would result in model results within a margin of safety (82 ppb or below). Your recommendation is that the NCDAQ pre-adopt these measures so that they could be quickly implemented prior to the 2009 ozone season, if necessary. The measures you suggest include controls that would reduce nitrogen oxides (NOx) from non-road construction activity, idle reduction programs, energy conservation programs, and other controls of an episodic, temporary or seasonal nature.

Let me begin by saying that the NCDAQ believes that the attainment demonstration is sufficient for this area. As discussed in the weight of evidence documentation, significant NOx reductions will be occurring prior to the 2009 ozone season. These reductions will come primarily from the electric generating facilities and the on-road mobile sectors. It should also be noted that the 2002 ozone values are weighted three times in the calculation of the current air quality, to which the model response is applied to predict future ozone level. The ozone levels in 2002 were significantly higher than other years. In fact, for most of the Metrolina area monitors, 2002 levels represented the highest ozone values since 1993. Since the 2002 values are used three times in the calculation, the NCDAQ believes the predicted ozone levels using this approach are on the conservative side.

The NCDAQ and the State of North Carolina are committed to all areas attaining the ozone standard as expeditiously as practicable. This commitment is evidenced by the passage of the 1999 Clean Air Bill, which included one of the most comprehensive vehicle inspection and maintenance programs in the country. The program was implemented in 48 counties across the State between 2002 and 2006. The commitment to cleaner air statewide can also be seen in the

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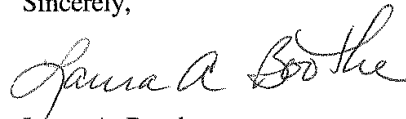
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passage of the Clean Smokestacks Act in 2002. This landmark legislation placed annual NOx caps on the electric generating facilities in the State. This legislation represents one of the first multi-pollutant bills in the country. The NCDAQ and the State of North Carolina have moved aggressively to address the 8-hour ozone standard and other air quality issues.

We remain committed to cleaner air, and will continue to monitor the ozone levels in the Metrolina region. If we believe that further control measures are necessary, we will move quickly to adopt such measures.

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,

A handwritten signature in cursive script that reads "Laura A. Boothe".

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Patrick Butler



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 15, 2007

Patrick Mumford, Chair
Mecklenburg Union Metropolitan Planning Organization
600 East Fourth Street
Charlotte, NC 28202-2853

Dear Mr. Mumford:

Thank you for your May 15, 2007, comments on the pre-hearing draft attainment demonstration plan for the Charlotte-Gastonia, Rock Hill, North Carolina –South Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

In your letter you reiterated your request for multi-county motor vehicle emission budgets (MVEBs). The North Carolina Division of Air Quality (NCDAQ) continues to believe that county level MVEBs is the best way to ensure that the mobile emissions in this area are consistent with the emissions used in the attainment demonstration modeling. This is especially true since the attainment demonstration is relying on weight of evidence to support a showing that the region will attain the 8-hour ozone standards by 2009.

In its comments on the Metrolina attainment demonstration, the North Carolina Department of Transportation (NCDOT) requested that newer VMT and speeds data based on the most recent conformity determination be used in setting the MVEBs, so that the concern with areas not meeting the proposed MVEBs could be addressed. Upon review of the data provided by the Charlotte Department of Transportation, it was discovered that the new data had new population growth data incorporated for Mecklenburg and Union Counties, but not for the rest of the region. Additionally, the new data resulted in only Mecklenburg, Union and Iredell County emissions increasing, while the remaining counties' MVEBs decreased. Since this new data was not reviewed or agreed upon by the other transportation partners, the NCDAQ did not incorporate the new data. However, the NCDAQ did commit to hold an interagency consultation meeting to get agreement on new data. This commitment does not mean that the NCDAQ will incorporate new data into the MVEBs calculations, but rather assess if the new data will jeopardize the attainment demonstration modeling. If all transportation partners agree on the new data and the new data still supports a showing of attainment of the 8-hour ozone standard in the region, then the NCDAQ can start begin the process of revising the MVEBs.

You also mentioned in your letter that the region has committed to predict VMT and emissions for each county to track how growth trends compare to projections. An interagency agreement, between the counties, planning organizations, the NCDAQ and the NCDOT, that outlines detailed

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contingency measures that would be implemented if an area were to surpass proposed county level budgets might have gone a long way towards reassuring the NCDAQ that multi-county level budgets might work in this region. However, the NCDAQ did not receive any written commitment from this region to do this.

The final comment in your letter I need to address is that the NCDAQ bypassed the spirit of interagency consultation since "The three MPOs in the nonattainment area, and NCDOT, all supported use of a multi-county MVEB." First, only two of the three MPOs supported multi-county budgets, one of the MPOs requested county-level MVEBs. Secondly, the NCDAQ strongly disagrees that the spirit of interagency consultation was bypassed. The NCDAQ consulted with the transportation partners for data to be used in the attainment demonstration modeling and in the development of the MVEBs. The setting of MVEBs is not a consensus process and the NCDAQ continues to believe that setting the MVEBs at the county-level best represents how the emissions were distributed in the attainment demonstration modeling.

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
Patrick Butler



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 15, 2007

Jim G. Humphrey, Director
Charlotte Department of Transportation
600 East Fourth Street
Charlotte, NC 28202-2858

Dear Mr. Humphrey:

Thank you for your May 15, 2007, comments on the pre-hearing draft attainment demonstration plan for the Charlotte-Gastonia, Rock Hill, North Carolina–South Carolina, 8-hour ozone nonattainment area. We greatly appreciate your agency taking the time to review and provide comments on this document.

In your letter you discuss the high risk of conformity lapse with county level motor vehicle emission budgets (MVEBs). As the North Carolina Division of Air Quality (NCDAQ) has stated before, the purpose of conformity is to help ensure that transportation plans, programs, and projects do not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS. Therefore, setting budgets in a way that makes it easier to meet the transportation conformity requirements, without fully considering the air quality objectives, is not consistent with the purpose of the State Implementation Plan or transportation conformity. The NCDAQ continues to believe that county level MVEBs is the best way to ensure that the mobile emissions in this area are consistent with the emissions used in the attainment demonstration modeling. This is especially true since the attainment demonstration is relying on weight of evidence to support a showing that the region will attain the 8-hour ozone standards by 2009.

You mention in your letter that new data became available in February 2007 with the draft conformity update and your concerns that this new data predicts that there may be areas that will not meet the proposed MVEBs. Had your agency shared the new data with the NCDAQ at that time and requested that we consider using the new data in setting the final MVEBs, we would have had more time to investigate the impacts of the new emissions on the attainment demonstration modeling, and perhaps may have been able to use the new data in setting the final MVEBs. In its comments on the Metrolina attainment demonstration, the North Carolina Department of Transportation (NCDOT) requested that newer VMT and speeds data based on the most recent conformity determination be used in setting the MVEBs, so that the concern with areas not meeting the proposed MVEBs could be addressed. However, data was not provided until mid-May and it was discovered that the new data had new population growth data incorporated for Mecklenburg and Union Counties, but not for the rest of the region and was not consistent with the most recent conformity determination. Additionally, the new data resulted in only Mecklenburg, Union and Iredell County emissions increasing, while the remaining counties' MVEBs decreased.

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Since this new data was not reviewed or agreed upon by the other transportation partners, the NCDAQ could not incorporate the new data. However, the NCDAQ commits to hold an interagency consultation meeting to get agreement on the new data. This commitment does not mean that the NCDAQ will incorporate new data into the MVEBs calculations, but rather assess if the new data will jeopardize the attainment demonstration modeling. If all transportation partners agree on the new data and the new data still supports a showing of attainment of the 8-hour ozone standard in the region, then the NCDAQ can begin the process of revising the MVEBs.

You also mentioned in your letter that the MOVES model may result in even more counties failing the county-level MVEBs. The NCDAQ has stated several times to the transportation partners its commitment to investigate the MOVES model once it is released. All attempts will be made to incorporate state-specific data, including the Metrolina region starts data if possible, during this analysis. If the MOVES model results in significantly higher emissions, the NCDAQ commits to re-assess the effects of this increase of emissions on the attainment demonstration modeling. If revised modeling utilizing emissions from the MOVES model results in a failure of the attainment test, it may result in the State having to implement mobile source related controls, such as mandatory VMT reduction programs or lowering highway speeds. However, if the revised modeling, utilizing emissions from the MOVES model, results in continued demonstration of attainment, then the NCDAQ can begin the process of revising the MVEBs.

The NCDAQ disagrees with CDOT's contention that NCDAQ had months to provide transportation partners with the MVEBs. The NCDAQ gave transportation partners until December 2006 to provide revised speeds and vehicle miles traveled data. During January through mid-March the NCDAQ staff prepared the Triangle and Great Smoky Mountains National Park redesignation demonstration and maintenance plans, as well as worked on transportation conformity for both the Triangle and Metrolina areas. It was not until late March – early April that the calculations of the MVEBs were quality assured and finalized. However, CDOT could have estimated the MVEBs since you have the ability to run the MOBILE model and estimate emissions. The data to be used in calculating the MVEBs was discussed and agreed upon at the interagency consultation meeting held in October 2006.

CDOT implies that the NCDAQ intentionally delayed having the stakeholders meeting until after the draft document was released to the public. First of all, the NCDAQ was not required to have a stakeholders meeting, but chose to have one. This meeting was not only for transportation partners, but also environmental groups, industry, local governments and the federal partners and was designed to provide an opportunity for stakeholders to ask clarifying questions about the attainment demonstration modeling. Secondly, the attainment demonstration modeling was conducted in conjunction with the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) regional haze planning organization and the Association of Southeastern Integrated Planning (ASIP). This modeling was not completed until mid-March 2007 and the data was not available for the NCDAQ staff to analyze until late-March. Mid-April was the earliest date this meeting could be held.

The final comment in your letter I need to address is that the NCDAQ has not acted appropriately in the spirit of interagency consultation. The NCDAQ strongly disagrees with this

comment. The NCDAQ consulted with the transportation partners for data to be used in the attainment demonstration modeling and in the development of the MVEBs. The setting of MVEBs is not a consensus process and the NCDAQ continues to believe that setting the MVEBs at the county-level best represents how the emissions were distributed in the attainment demonstration modeling.

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,

A handwritten signature in cursive script, reading "Laura A. Boothe".

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Patrick Butler



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 15, 2007

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

Dear Mr. Norowzi:

Thank you for your May 15, 2007 comments on the pre-hearing draft attainment demonstration plan for the Charlotte-Gastonia, Rock Hill, North Carolina –South 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 requested that the North Carolina Division of Air Quality (NCDAQ) use new vehicle age distribution and vehicle mix data that recently became available, as well as use four times a day VMT and speed data based on the most recent conformity determination be used in setting the MVEBs, so that the concern with areas not meeting the proposed MVEBs could be addressed. This data was provided by the Charlotte Department of Transportation (CDOT) in mid-May. It was discovered that the data from CDOT had new population growth data incorporated for Mecklenburg and Union Counties, but not for the rest of the region and was not consistent with the most recent conformity determination. It did not appear that the other transportation partners were consulted about this request or the data provided, therefore, the NCDAQ has decided to not to use the new data for setting the MVEBs. The NCDAQ will share this data with the transportation partners in an interagency consultation meeting, to be set at a later date. If all transportation partners agree that the new data should be used in setting the MVEBs, then the NCDAQ will determine the effects of the new data on emissions, as well as on the attainment demonstration modeling.

Your second comment requested safety margin and combined emission budgets for at least the rural counties. Since this an attainment demonstration, safety margins cannot be added to the motor vehicle emission budgets. However, the NCDAQ did adjust the Iredell County VMT by 10% since this increase was reflected in the attainment demonstration modeling. As for combined emissions budgets for the rural counties, the NCDAQ continues to believe that county level emission budgets are the most appropriate way to set the budgets in order to attain and maintain the 8-hour ozone standard.

The NCDAQ is committed to work with our transportation partners. Once the revised Metrolina travel demand model has been run with updated socio-economic data for all counties in

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the region, and all of the transportation partners have discussed and approved the new travel demand model data, the NCDAQ commits to evaluate the new data and its impacts on the air quality modeling. If the new data does not jeopardize the attainment demonstration and it is deemed appropriate, the NCDAQ can begin the process of revising the MVEBs for this region.

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,

A handwritten signature in cursive script that reads "Laura A. Boothe".

Laura A. Boothe
Attainment Planning Branch Chief

cc: Keith Overcash
Brock Nicholson
Sheila Holman
Patrick Butler