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March 24, 2016

Heather McTeer Toney
Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Subject: Revision to North Carolina's Clean Air Act Section 110(a)(2)(D)(i)(I) "Good Neighbor" State Implementation Plan for the 2010 1-Hour Nitrogen Dioxide Standard

Dear Ms. Toney:

I am pleased to submit this certification demonstrating that the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ) has met the requirements of the Clean Air Act Section 110(a)(2)(D)(i)(I) for the 2010 1-hour nitrogen dioxide (NO₂) primary National Ambient Air Quality Standard (NAAQS). This submittal serves as a revision to North Carolina's final certification submitted to the U.S. Environmental Protection Agency (EPA) on August 23, 2013, demonstrating compliance with Clean Air Act Section 110(a)(1) and (2) infrastructure State Implementation Plan (SIP) requirements for the 1-hour NO₂ primary NAAQS. Attachment 1 contains the public notice and the EPA's no-comment letter. An exact duplicate electronic copy is being provided on a compact disk.

The North Carolina General Statutes identified in this certification are cited as reference material only, and should not be adopted as part of North Carolina's SIP. The DAQ believes that legal documents and statutes are not required to be adopted into the SIP based upon the EPA Federal Register (FR) notice on May 19, 2010 regarding California's legal authority (75 FR 27938). In this final rule, the EPA states, "We also noted that the actual statutory provisions and other legal documents relied upon to support a State's assurance of adequate legal authority need not be approved into the SIP under CAA section 110 or [USEPA's] SIP regulations under 40 [Code of Federal Regulation] part 51 (although such provisions are required to be submitted with the plan). Thus, [USEPA] could approve, consistent with CAA and [USEPA] requirements, and did so in this instance, wholesale revisions to the original legal authority chapter without also approving the actual statutory provisions and other legal documents cited there."

The DAQ issued a public notice announcement on February 19, 2016, in accordance with 40 CFR 51.102, indicating that the "*Revision to North Carolina's Clean Air Act Section 110(a)(2)(D)(i)(I) "Good Neighbor" State Implementation Plan for the 2010 1-Hour Nitrogen Dioxide Standard*" was available for public comment and posted on the DAQ website for review. The public notice announcement indicated that anyone may request a public hearing.

In addition to posting on the DAQ website, the public notice announcement was sent to a number of e-mail distribution lists managed by the DAQ that includes numerous stakeholders from industry and environmental groups. The DAQ believes that sending the public notice announcement to these groups is more effective than publishing the notice in a few local newspapers and is consistent with the requirements described in the April 6, 2011, memorandum, "*Regional Consistency for the Administrative Requirements of the State Implementation Plan Submittals and the Use of Letter Notices.*"

Additionally, the Rich Site Summary (RSS) feed on the DAQ website offers regular delivery to persons interested in receiving updates to the website content. The document was also made available for review during normal business hours at the DAQ Central Office in Raleigh and each of the DAQ's seven Regional Offices.

The public comment period was open from February 19, 2016 through March 21, 2016. The DAQ did not receive any requests for a public hearing or any comments from the public or the EPA.

The DAQ believes it has in good faith addressed the requirements of Section 110(a)(2)(D)(i)(I) for the 2010 1-hour NO₂ primary NAAQS. If you should have any questions regarding this submittal, please contact Randy Strait of my staff at (919) 707-8721.

Sincerely,



Sheila C. Holman, Director
Division of Air Quality, NCDEQ

SCH/rps

cc: Michael Abraczinskas, NCDAQ
Sushma Masemore, NCDAQ
Randy Strait, NCDAQ
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