



North Carolina Department of Environment and Natural Resources

Division of Air Quality

Pat McCrory
Governor

Sheila C. Holman
Director

John E. Skvarla, III
Secretary

August 23, 2013

A. Stanley Meiburg
Acting Regional Administrator
USEPA, Region 4
Sam Nunn Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Subject: Clean Air Act Section 110(a)(1) and (2) Infrastructure Requirements for the 2010
1-Hour Nitrogen Dioxide Standards

Dear Mr. Meiburg:

I am pleased to submit the certification demonstrating that the North Carolina Department of Environment and Natural Resources, Division of Air Quality (NCDAQ) has met the requirements of the Clean Air Act Section 110(a)(1) and (2) for the 2010 nitrogen dioxide (NO₂) 1-hour National Ambient Air Quality Standards (NAAQS). Since guidance for the 2010 1-hour NO₂ Infrastructure State Implementation Plan (SIP) has yet to be released by the U. S. Environmental Protection Agency (USEPA), the NCDAQ relied on USEPA's October 14, 2011 memorandum, "Guidance on Infrastructure SIP Elements Required Under Section 110(a)(1) and (2) for the 2008 Lead NAAQS." Attachment 1 contains copies of the USEPA memorandums and notices used to develop the Infrastructure SIP. An exact duplicate electronic copy of the entire package is provided on a compact disc.

The North Carolina General Statutes are identified as reference material only. It is not the intent of the NCDAQ to have these statutes adopted into the SIP. The NCDAQ believes that the State's statutes are not required to be adopted into the SIP based upon the USEPA Federal Register (FR) notice on May 19, 2010 regarding California's legal authority (75 FR 27938). In this final rule, the USEPA 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 in 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, a wholesale revision to the original legal authority chapter without also approving the actual statutory provisions and other legal documents cited there."

The NCDAQ issued a public notice announcement on July 8, 2013, indicating that the Infrastructure SIP certification documentation was available for public comment until August 12, 2013, and posted the SIP on the NCDAQ website for public review. The public notice

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announcement was sent to a number of distribution lists managed by the NCDAQ. These distribution lists included numerous stakeholders from industry, environmental groups, and transportation partners. The NCDAQ believes that sending the public notice announcement to these groups is more effective than publishing the notices 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 State Implementation Plan Submittals and the Use of Letter Notices." Additionally, the NCDAQ website has Rich Site Summary (RSS) feed which regularly delivers changes to the website content to those that have signed up for it. Attachment 2 contains the public notice announcement distributed by NCDAQ.

The public notice announcement also indicated that the public may request a public hearing. There were no requests for a public hearing. The USEPA was the only organization to offer comments, which are contained in Attachment 3. The NCDAQ acknowledged these comments and made appropriate revisions to the certification document.

The NCDAQ believes it has in good faith addressed the requirements of Section 110(a)(1) and (2) for the 2010 1-Hour NO₂ NAAQS. If you should have any questions regarding this submittal, please contact Sushma Masemore of my staff at (919) 707-8700.

Sincerely,



Sheila C. Holman

SCH/ssm

Enclosures

cc: Michael Abraczinskas, NCDAQ
Sushma Masemore, NCDAQ
Scott R. Davis, USEPA
Lynorae Benjamin, USEPA
William Barnette, Forsyth County Office of Environmental Assistance and Protection
Leslie Rhodes, Mecklenburg County Air Quality
David Brigman, Western Regional Air Quality Agency