



North Carolina Department of Environment and Natural Resources

Division of Air Quality

Sheila C. Holman
Director

John E. Skvarla, III
Secretary

Pat McCrory
Governor

March 18, 2014

Heather McTeer Toney
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 Certification for the 2010
1-Hour Sulfur Dioxide Standards

Dear Ms. Toney:

I am pleased to submit the certification demonstrating that the North Carolina Department of Environment and Natural Resources, Division of Air Quality (DAQ) has met the requirements of the Clean Air Act Section 110(a)(1) and (2) for the 2010 sulfur dioxide (SO₂) 1-hour National Ambient Air Quality Standards (NAAQS). The DAQ relied on U.S. Environmental Protection Agency's (EPA's) September 13, 2013 memorandum, "Guidance on Infrastructure State implementation Plan (SIP) Elements Required Under Section 110(a)(1) and 110(a)(2)" to prepare the 2010 1-hour SO₂ Infrastructure SIP.

Attachment 1 contains copies of the EPA memorandums and notices used to develop the Infrastructure SIP. Attachment 2 contains public comments received during the notice period and the DAQ responses associated with each comment. Attachment 3 contains the text of the North Carolina General Statutes and non-SIP approved (state-only) air quality rules which are cited as supporting reference material. An exact duplicate electronic copy of the entire package is provided on a compact disc.

Please note that it is not the intent of the DAQ to have the referenced General Statutes be adopted into the SIP. The DAQ believes that the State's statutes are not required to be adopted into the SIP based upon EPA Federal Register (FR) notice issued on May 19, 2010 regarding California's legal authority (75 FR 27938). In this final rule, 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 [EPA's] SIP regulations in 40 [Code of Federal Regulation] part 51 (although such provisions are required to be submitted with the plan). Thus, [EPA] could approve, consistent with CAA and [EPA] 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."

1641 Mail Service Center, Raleigh, North Carolina 27699-1641
217 West Jones Street, Raleigh, North Carolina 27603
Phone: 919-707-8401 / Fax: 919-715-0718
Internet: www.ncair.org

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The DAQ issued a public notice announcement on December 3, 2013, indicating that the Infrastructure SIP certification was available for public comment until January 6, 2014. The announcement and accompanying material were posted on the DAQ website for public review. The DAQ website has Rich Site Summary (RSS) feed which regularly delivers changes to the website content to those that have signed up. The public notice announcement was also sent to a number of distribution lists managed by the DAQ. These distribution lists included numerous stakeholders from industry, environmental groups, relevant state agencies, and regional partners. The DAQ 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." Attachment 2 contains the public notice announcement distributed by the DAQ.

The public notice announcement also indicated that the public may request a public hearing. There were no requests for a public hearing. The EPA and the Sierra Club (on behalf of the Sierra Club, Medical Advocates for Healthy Air, the Southern Alliance for Clean Energy, and the Southern Environmental Law Center) submitted written comments. Attachment 2 contains both sets of comments with a summary of each comment and responses thereto. Modeling files and other exhibits related to Sierra Club's comment are too extensive for an attachment, and are provided on a separate compact disc. All comments have been reviewed and responses developed based on an evaluation of the issues raised related to the intended purpose of the document under review.

The DAQ believes it has in good faith addressed the requirements of sections 110(a)(1) and (a)(2) for the 2010 1-Hour SO₂ 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, DAQ
Sushma Masemore, DAQ
Scott R. Davis, EPA
Lynorae Benjamin, EPA
William Barnette, Forsyth County Office of Environmental Assistance and Protection
Leslie Rhodes, Mecklenburg County Air Quality
David Brigman, Western Regional Air Quality Agency