

# **Attachment A**

## **Public Notice Report, Comments Received and Responses**

*This page intentionally left blank.*

## **Public Notice Report For the**

### **Final Clean Air Act Sections 193 and 110(l) Noninterference Demonstration for Repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard**

#### **Introduction**

On October 5, 2017, a pre-hearing version of the “North Carolina State Implementation Plan Revision: Inspection and Maintenance (I&M) Program” and “Clean Air Act Section 110(l) Noninterference Demonstration to Remove 26 Counties from North Carolina’s Motor Vehicle Emissions Inspection and Maintenance (I&M) Program” was released for public comment. A request for public hearing, in accordance with 40 CFR 51.102, and the public comment period were published on the North Carolina Division of Air Quality (DAQ) website, as well as to email distribution lists managed by the DAQ. The public comment period was open from October 5, 2017 through November 6, 2017. No requests for a public hearing were received. The public comment period elicited comments from the United States Environmental Protection Agency (EPA) and three members of the public.

On July 14, 2017, a pre-hearing version of the “North Carolina Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard” was released for public comment. A request for public hearing, in accordance with 40 CFR 51.102, and the public comment period were published on the North Carolina Division of Air Quality (DAQ) website, as well as to email distribution lists managed by the DAQ. The public comment period was open from July 14, 2017 through August 14, 2017. No requests for a public hearing were received. The public comment period elicited comments from the United States Environmental Protection Agency (EPA) and one member of the public.

#### **Background**

The oxygenated gasoline standard rules codified at 15A NCAC 02D Section .1300 were adopted by North Carolina and included as a contingency measure in the limited maintenance plan for the Charlotte, Raleigh/Durham, and Winston-Salem metropolitan areas for the 8-hour carbon monoxide (CO) national ambient air quality standard (NAAQS). The rules being repealed include:

- 15A NCAC 02D .1301, Purpose
- 15A NCAC 02D .1302, Applicability
- 15A NCAC 02D .1303, Definitions
- 15A NCAC 02D .1304, Oxygen Content Standard
- 15A NCAC 02D .1305, Measurement and Enforcement

The DAQ has identified the rules contained in sections 15A NCAC 02D .1300 as outdated and unnecessary because the CO limited maintenance plan for the Charlotte, Raleigh/Durham, and

Winston-Salem areas ended in 2015 and EPA has revised the designation for each area to “attainment.” Also, the entire state of North Carolina has been in attainment with the CO NAAQS for over 20 years and ambient CO levels remain very low statewide. In addition, repealing the 15A NCAC 02D .1300 rules will not increase CO, nitrogen oxide, or total hydrocarbon vehicle exhaust emissions because the oxygenated gasoline standard rules were never implemented due to the success of the foundation control measures included in the plan. For these reasons, the DAQ concludes that repeal of the 15A NCAC 02D .1300 rules will not interfere with continued attainment or maintenance of any applicable NAAQS.

## **Summary of Public Comment Period**

The public notice comment period was open from July 14, 2017 through August 14, 2017. There were no requests for a public hearing. Comments were received from EPA and one member of the public, which are attached following this report.

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

**EPA comment:** EPA completed its review of the submittal and offered no comments at this time.

**DAQ response:** The DAQ acknowledges this comment. No revisions are required.

**Public comment:** The NC Petroleum & Convenience Marketer’s members support repeal of the 15A NCAC 02D .1300 rules.

**DAQ response:** The DAQ acknowledges this comment. No revisions are required.

## **Attachments to Public Notice Report**

- 1) Written comments from R. Scott Davis, Chief of the Air Planning and Implementation Branch, EPA, dated August 14, 2017.
- 2) Written comments received from Timothy Laughlin, NC Petroleum & Convenience Marketers, dated July 14, 2017.
- 3) Public Notice Announcement by the North Carolina Department of Environmental Quality.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

August 14, 2017

Michael A. Abraczinskas, Director  
Division of Air Quality  
North Carolina Department of Environmental Quality  
1641 Mail Service Center  
Raleigh, North Carolina 27699-1641

Dear Mr. Abraczinskas:

Thank you for the opportunity to review your proposed State Implementation Plan revisions regarding North Carolina's Clean Air Act sections 193 and 110(l) noninterference demonstration repealing rule 15A NCAC 02D .1300 for the Oxygenated Gasoline Standard. We have completed our review of this prehearing submittal and offer no comments at this time.

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

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott Davis".

R. Scott Davis  
Chief  
Air Planning & Implementation Branch

From: Tim Laughlin <tlaughlin@NCPCM.ORG>  
Sent: Friday, July 14, 2017 1:26 PM  
To: Cuilla, Mark; SVC\_DENR.DAQ.publiccomments  
Cc: Doug Howey; Gary Harris; SVC\_DENR.DAQ.publiccomments  
Subject: Repeal Oxygen Gasoline 193 & 110(l) Demonstration"

Mark,

As this was an important issue for NCPCM members in the early 1990's we fully support the withdraw of the NC DAQ CO regulations.

Regards,

Timothy Laughlin, PE  
NC Petroleum & Convenience Marketers  
7300 Glenwood Ave.  
Raleigh, NC 27612  
Phone: 919-782-4411  
Direct: 919-926-5479  
Cell: 919-801-4271  
Fax: 919-782-4414

www.ncpcm.org  
www.ncoilheat.org

Success is going from failure to failure without loss of enthusiasm.- Winston Churchill

From: Cuilla, Mark [mailto:mark.cuilla@ncdenr.gov]  
Sent: Friday, July 14, 2017 1:21 PM  
To: NCDENR.DENR.DAQ.Managers\_Supervisors <DENR.DAQ.Managers\_Supervisors@lists.ncmail.net>  
Subject: North Carolina Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard Available for Comment

Hello Air Quality Stakeholders:

The pre-hearing draft of the North Carolina Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard is available for public comment at <https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/caa-section-110-sip-submissions>. The comment period closes Monday, August 14, 2017.

The oxygenated gasoline standard rules codified at 15A NCAC 02D Section .1300 were adopted by North Carolina and included as a contingency measure in the limited maintenance plan for the Charlotte, Raleigh/Durham, and Winston-Salem metropolitan areas for the 8-hour carbon monoxide (CO) national ambient air quality standard (NAAQS). The DAQ has identified the rules contained in sections 15A NCAC 02D .1300 as outdated and unnecessary because the CO limited maintenance plan for the Charlotte, Raleigh/Durham, and Winston-Salem areas ended in 2015 and EPA has revised the designation for each area to "attainment." Also, the entire state of North Carolina has been in attainment with the CO NAAQS for over 20 years and ambient CO levels remain very low statewide. In addition, repealing the 15A NCAC 02D .1300 rules will not increase CO, nitrogen oxide, or total hydrocarbon vehicle exhaust emissions because the oxygenated gasoline standard rules were never implemented due to the success of the foundation control measures included in the plan. For these reasons, the DAQ concludes that repeal of the 15A NCAC 02D .1300 rules will not interfere with continued attainment or maintenance of any applicable NAAQS.

In this non-interference demonstration, the DAQ believes it has in good faith addressed the requirements of Clean Air Act Sections 193 and 110(l) relative to repeal of the oxygenated gasoline standard rules and requests that EPA approve repeal of 15A NCAC 02D Section .1300 rules from the North Carolina State Implementation Plan.

Please submit any comments via the methods below.

Electronically:

[daq.publiccomments@ncdenr.gov](mailto:daq.publiccomments@ncdenr.gov)

(Please type " Repeal Oxygen Gasoline 193 & 110(l) Demonstration" in the subject line)

Mail:

Mr. Randy Strait

NC Division of Air Quality

1641 Mail Service Center

Raleigh, NC 27699-1641

Fax: (919) 715-0717

Thank you.

Mark J. Cuilla, EIT, CPM

Title V Supervisor

Division of Air Quality, Permitting Section

North Carolina Department of Environmental Quality

919 707 8738 office

[mark.cuilla@ncdenr.gov](mailto:mark.cuilla@ncdenr.gov)

217 West Jones Street

1641 Mail Service Center

Raleigh, NC 27699-1641

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY  
PUBLIC NOTICE**

**PURPOSE:** The North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), hereby gives notice regarding its Pre-hearing Draft of the Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard. The rules were included as a contingency measure in the limited maintenance plan for the Charlotte, Raleigh/Durham, and Winston-Salem areas in the event of an exceedance of the 8-hour carbon dioxide (CO) national ambient air quality standards (NAAQS). The DAQ has identified the rules contained in sections 15A NCAC 02D .1300 as outdated and unnecessary because the CO limited maintenance plan for the Charlotte, Raleigh/Durham, and Winston-Salem CO areas has expired and EPA has revised the designation for each area to "attainment." Also, the entire state of North Carolina has been in attainment with the CO NAAQS for over 20 years and ambient CO levels remain very low statewide. In this noninterference demonstration, the DAQ is concluding that repeal of the 15A NCAC 02D .1300 rules will not interfere with continued attainment or maintenance of any applicable NAAQS. Persons wishing to submit comments or request a public hearing are invited to do so.

**COMMENT PROCEDURES:** Any person wishing to comment may submit a written statement for inclusion in the record of proceedings regarding the Pre-hearing Draft Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard. Written comments should be received by no later than August 14, 2017.

**REQUESTS FOR A PUBLIC HEARING:** Requests for a public hearing must be in writing and include a statement supporting the need for such a hearing, an indication of your interest in the subject, and a brief summary of the information intended to be offered at such hearing. A public hearing will be scheduled if requested. A separate notice will be announced for the hearing including the date, time and location. Written requests for a public hearing should be received no later than August 14, 2017, and addressed to Randy Strait, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699-1641.

**INFORMATION:** Copies of the Pre-hearing Draft North Carolina Clean Air Act Sections 193 and 110(l) noninterference demonstration for repeal of 15A NCAC 02D .1300, Oxygenated Gasoline Standard may be downloaded from the NCDAQ website at: <https://deq.nc.gov/about/divisions/air-quality/air-quality-rules/caa-section-110-sip-submissions>


Comments can be submitted electronically to:  
daq.publiccomments@ncdenr.gov  
(Please type "Repeal Oxygen Gasoline 193 & 110(l) Demonstration" in the subject line)

Comments can be mailed or faxed to:  
Randy Strait Fax: (919) 715-0717  
NC Division of Air Quality  
1641 Mail Service Center  
Raleigh, NC 27699-1641

The Pre-hearing Draft of the demonstration may be reviewed in person during normal business hours at the following DAQ offices:

Raleigh Central Office, Planning Section	(919) 707-8403
Mooresville Regional Office	(704) 663-1699
Raleigh Regional Office	(919) 791-4200
Winston-Salem Regional Office	(336) 771-5000

Date: 7/13/17

  
Michael A. Abraczinskas  
DAQ Director