



North Carolina Department of Environment and Natural Resources

Division of Air Quality
B. Keith Overcash, P.E.
Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

November 12, 2009

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

Dear Mr. Meiburg:

Attached is a re-submittal of the June 15, 2007, attainment demonstration State Implementation Plan (SIP) for the North Carolina portion of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area (referred to as the Metrolina area). This SIP was withdrawn on December 19, 2008, by the North Carolina Division of Air Quality (NCDAQ). All of the ambient monitors in the Metrolina area have recorded clean data for the 1997 8-hour ozone standard during the 2009 ozone season and it is the intention of this agency to request a one-year extension of the attainment date.

This submittal went through the public hearing process in April 2007, and is unchanged from the original submittal. Enclosed is one hard copy of the complete package containing the attainment demonstration and the supporting documentation, as well as an exact duplicate electronic copy on compact disk.

On November 17, 2008, the United States Environmental Protection Agency (USEPA) gave the North Carolina Department of Environment and Natural Resources (NCDENR) the option of either voluntarily requesting a reclassification to Serious or the USEPA would disapprove the SIP. The USEPA did not believe that the Metrolina area would attain the 1997 8-hour ozone standard considering the 2007 and 2008 ambient air quality data and that the area would not qualify for a one-year extension of the attainment date. On December 19, 2008, the NCDENR withdrew the Metrolina attainment demonstration SIP, citing concerns with the two options and the belief that it was possible for the region to qualify for the one-year extension of the attainment date. In the withdrawal letter, the NCDENR committed to revise the modeling and submit an updated SIP by the end of November 2009.

In January 2009, the NCDAQ notified the transportation partners of its intention to re-model the attainment demonstration and requested revised data for 2011, which, at that time, was believed to be the projected attainment year given the 2007 and 2008 ambient data. Your office was copied on this correspondence to keep the USEPA informed of our intentions and progress

on the re-modeling effort. Additionally, there were monthly conformity calls with the Metrolina transportation partners, monthly calls for the statewide interagency consultation meetings, and monthly calls between the Region 4 SIP staff and the NCDAQ Planning staff, all of which had updates on the modeling progress.

On August 14, 2009, the NCDAQ shared an internal draft of the revised attainment demonstration with the USEPA and the transportation partners for a 30-day comment period. The NCDAQ learned at the end of the comment period that the USEPA had issues with the attainment year being 2011. After several weeks of discussions within the USEPA, the NCDAQ was given two options on November 4, 2009:

- Option 1 – The State could re-submit the original attainment demonstration and then submit supplemental information. The supplemental information would include the 2009 ambient air quality data showing the area qualifies for a one-year extension and the 2011 modeling as weight of evidence that the Metrolina region would attain the standard by June 15, 2011.
- Option 2 – The State could use the original 2009 modeling and the revised 2011 modeling to develop a plan to demonstrate the area would attain the standard by June 15, 2011.

The NCDAQ has chosen Option 1, to re-submit the original attainment demonstration SIP. The NCDAQ will coordinate with the USEPA, Region 4 staff as to what will be needed in the supplemental information and submit the necessary information as quickly as possible.

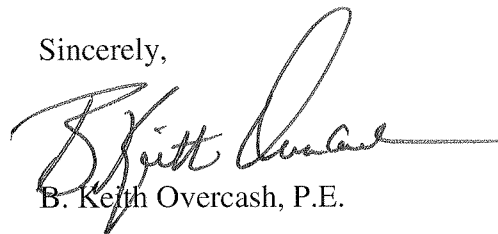
When the NCDAQ withdrew the original attainment demonstration SIP, the USEPA issued a “Finding of Failure to Submit” on May 8, 2009. With this submittal, the NCDAQ believes it has fulfilled the requirements of Section 172(c), 182(a) and 182(b) of the Federal Clean Air Act as amended and thus satisfies the requirements of the Finding of Failure to Submit.

North Carolina is committed to ensuring cleaner air for our citizens. This has been clearly demonstrated by proactive efforts at both the state and local levels. The North Carolina General Assembly has passed legislation that increase the number of counties required to have vehicle inspection and maintenance well beyond what was federally mandated and has passed legislation that capped the emissions from public utilities in our State. Locally there have been programs established to decrease the emissions from diesel engines as well as outreach efforts to educate the public about air quality issues. Air quality has a direct impact on public health and the environment. It is our opinion that the air quality in the area has improved over the last several years. The 2009 ozone monitoring data was in line with what was modeled in the attainment demonstration submitted in 2007. In its preliminary review of the 2009 meteorology, the NCDAQ has determined that the average temperature and precipitation were in line with the 30-year average values. Although there were not many stagnation events which can lead to elevated ozone levels, on days when the weather patterns were conducive for ozone formation,

exceedances of the 1997 ozone standard were not observed. The NCDAQ believes that the final installation of nitrogen oxide controls to meet the Clean Smokestacks Act, the implementation of the Clean Air Interstate Rule regionally, and emission reductions due to the federal tailpipe and fuel standards have lowered background ozone levels and ozone transport to the area.

The NCDAQ appreciates the efforts of Region 4 to bring resolution to this issue. I respectfully request that you commence the federal approval process for the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-hour ozone nonattainment area attainment demonstration. If you should have any questions, please contact Laura Boothe of my staff at (919) 733-1488 or Laura.Boothe@ncdenr.gov.

Sincerely,

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

B. Keith Overcash, P.E.

BKO:lab

Enclosure

cc: Carol Kemker, USEPA
Dick Schutt, USEPA
Sheila Holman, NCDAQ
Laura Boothe, NCDAQ
Myra C. Reese, SCDHEC