



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 17 2008

Mr. William G. Ross, Jr., Secretary
North Carolina Department of
Environment and Natural Resources
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Dear Secretary Ross:

I am writing to you concerning your State Implementation Plan (SIP) for demonstrating attainment of the 8-hour national ambient air quality standard for ozone in the bi-state Charlotte nonattainment area. The bi-state Charlotte nonattainment area is comprised of several counties in North Carolina and a portion of York County in South Carolina. The York County portion also includes tribal land for the Catawba Indian Tribe. The plan for the North Carolina portion of this area was submitted to the U.S. Environmental Protection Agency (EPA) for review on June 15, 2008. Although our staffs have discussed the contents of this plan, we have not taken formal action to approve or disapprove the SIP.

The Clean Air Act and EPA rules for implementation of the 1997 ozone standard require that the attainment demonstration SIP for a moderate area such as the bi-state Charlotte area contain the State's demonstration that the SIP is capable of providing for attainment of the ozone standard by no later than June 15, 2010. This can only be done by projecting (through modeling and other analysis) that the area will achieve ozone levels consistent with the ozone standard by the end of the 2009 ozone season. Such modeling demonstrations are extremely complex and contain some uncertainty in the predictions.

After areas reach the attainment date, achievement of the standard is determined by assessing actual monitoring data from the most recent three years. Because we are now so close to the attainment date, we now believe that attainment will not be achieved by the required moderate area deadline based on air quality measurements from the summers of 2007 and 2008 that exceed the standard by a sizeable amount. Furthermore, we believe that the area will not meet the requirements for a one-year extension of the attainment date. Therefore, if we are required to take rulemaking action on the SIP, we see no alternative to proposing disapproval of the SIP's attainment demonstration. [Please see Attachment A to this letter, which contains the air quality data which lead EPA to its conclusion.]

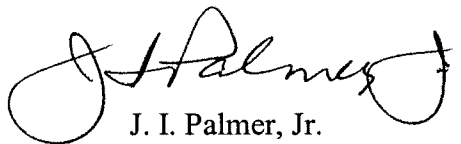
In cases where attainment of the ozone standard cannot be achieved by the required date, the Clean Air Act allows a State to seek a higher classification for the area. Section 181(b)(3) provides for States to request EPA to reclassify a nonattainment area to a higher classification

and requires EPA to grant such a request. Such a reclassification will have the effect of allowing for a new attainment date for the area (based on the new classification), which would be established in the new attainment demonstration. In conjunction with EPA's action on the reclassification request, EPA will establish a date for submission of a new attainment demonstration and any other additional requirements based on the area's new classification. It should be noted, however, that the Clean Air Act requires States to move forward to adopt and implement (to the extent measures are not yet in place) all RACT (Reasonably Available Control Technology) and other control measures needed to attain the 1997 ozone air quality standard as expeditiously as practicable. In particular, measures planned for the 2009 ozone season should not be delayed.

Please consider making a request to reclassify the North Carolina portion of the bi-state Charlotte nonattainment area to a higher classification. I will need a response from you no later than December 8, 2008, if you are going to make such a request. In the absence of a reclassification request for the North Carolina portion of the bi-state Charlotte nonattainment area, I intend to sign a proposed disapproval of your existing attainment demonstration by no later than January 9, 2009. A letter similar to this was sent to South Carolina with this same request.

As always, please feel free to contact me or Beverly Banister in Region 4 at (404) 562-9326, if additional information is needed. I will look forward to hearing from you regarding your decision.

Sincerely,



J. I. Palmer, Jr.
Regional Administrator

Attachment

cc: Bob King, SC DHEC
B. Keith Overcash, NC DENR
Myra Reece, SC DHEC
Don Willard, Mecklenburg County
Marcus Peacock, U.S. EPA
Robert Meyers, U.S. EPA
Beverly Banister, U.S. EPA Region 4

Attachment A

Air Quality Data Which Leads U.S. EPA to Conclude that the Charlotte-Gastonia-Rock Hill, NC-SC Ozone Nonattainment Area Will Not Achieve the Ozone NAAQS (0.08 ppm) by the End of the 2009 Ozone Season

Monitoring Site ID	POC	County	State	Preliminary 2006-2008 Design Value as of November 12, 2008 (ppm)	Did this site meet NAAQS as of November 12, 2008?	Number of Days in 2008 Above the 1997 Standard	2006 4th Maximum Value (ppm)	2007 4th Maximum Value (ppm)	2008 4th Maximum Value as of November 12, 2008 (ppm)	Critical Value in 2009 as of November 12, 2008 (ppm)
371090004	1	Lincoln	North Carolina	0.082	Yes	3	0.082	0.085	0.079	0.091
371190041	1	Mecklenburg	North Carolina	0.089	No	4	0.091	0.093	0.085	0.077
371191005	1	Mecklenburg	North Carolina	0.079	Yes	1	0.078	0.087	0.073	0.095
371191009	1	Mecklenburg	North Carolina	0.094	No	5	0.093	0.096	0.093	0.066
371590021	1	Rowan	North Carolina	0.088	No	3	0.085	0.096	0.084	0.075
371590022	1	Rowan	North Carolina	0.088	No	2	0.089	0.095	0.082	0.078
371790003	1	Union	North Carolina	0.080	Yes	1	0.080	0.082	0.080	0.093

Number of sites exceeding the ozone NAAQS in 2006-2008

4

Source of Data

The 2006 and 2007 monitoring results are based on data already submitted and certified by the respective monitoring agencies to U.S. EPA's Air Quality System data base. The 2008 monitoring result is based on data submitted to the AirNow data system, and is considered preliminary.

The Meaning of "Critical Value"

The critical value shown for 2009 is the magnitude of the 4th highest value in 2009 (given the 2007 and 2008 data) that would result in a conclusion that the monitor shows compliance with the ozone NAAQS for 2007-2009. For the nonattainment area to be found to attain, all monitors' 4th highest readings in 2009 must be below their respective critical values.

Condition for a One-Year Extension

To be eligible for a one-year extension of the attainment date, the 4th highest value at all monitors in the area during 2009 must be less than 0.085 ppm. EPA judges this to be highly unlikely given the concentrations observed at some monitors in 2007 and 2008.