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September 16, 2016

Heather McTeer Toney  
Regional Administrator  
U.S. Environmental Protection Agency, Region 4  
Sam Nunn Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303-8960

**Subject:** North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Repeal of Transportation Facilities Rules

Dear Ms. Toney:

I am pleased to submit the North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Repeal of Transportation Facilities Rules. This document serves as a compendium to our September 13, 2016 submission related to the repeal of Rules 15A NCAC 02D .0801, .0802, .0804 through .0806 and 15A NCAC 02Q .0601 through .0607, and amendment of Rules 15A NCAC 02D .0101 and 15A NCAC 02Q .0101, .0103, .0104, and .0203. The rules became effective on January 1, 2015. Enclosed is one hard copy of the complete package containing the 110(l) noninterference demonstration and an exact duplicate electronic copy on compact disk.

At the conclusion of the 2013 legislative session, the North Carolina General Assembly enacted Session Law 2013-413, to Improve and Streamline the Regulatory Process in Order to Stimulate Job Creation, to Eliminate Unnecessary Regulation, to Make Various Other Statutory Changes, and to Amend Certain Environmental and Natural Resources Laws. Part V, Section 27 of the Session Law amended North Carolina General Statute (G.S.) 143-215.109(a) to provide the North Carolina Environmental Management Commission (EMC) the flexibility to determine whether rules are necessary for controlling the effects of these sources on air quality.

The transportation facility rules are contained in sections 15A NCAC 02D .0800, Complex Sources, and 02Q .0600, Transportation Facility Procedures. The Division of Air Quality (DAQ) identified the rules in these sections as outdated requirements that are not providing environmental benefit and recommended repeal of these rules to the EMC. The rules, which apply statewide, are focused on addressing CO emissions; however, North Carolina has had no CO nonattainment area since 1995.

In this submittal, the DAQ concludes that repeal of the transportation facility rules does not interfere with the attainment of any applicable national ambient air quality standard (NAAQS). All three maintenance areas, Charlotte, Winston-Salem and Raleigh/Durham are well below the 8-hour carbon monoxide (CO) standard. In 2015, each area completed a 20-year maintenance period, and the EPA revised the designation to "attainment". Each area is also relieved from complying with the more stringent transportation conformity requirements. The attachment contains a demonstration showing that the repeal of the North Carolina transportation facilities rules will not interfere with the maintenance of the CO standard or any other NAAQS.

The DAQ issued a public notice announcement on September 3, 2014 indicating that the North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Repeal of Transportation Facilities Rules was available for public comment. The public notice announcement was posted on the DAQ website, and offered the public an opportunity to request a hearing in accordance with 40 CFR 51.102. The public notice announcement was also sent to a number of email distribution lists managed by the DAQ, which include numerous stakeholders from industry and environmental groups. We believe that sending the public notice announcements 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 the State Implementation Plan Submittals and the Use of Letter Notices." Additionally, the Rich Site Summary (RSS) feed on the NCDAQ website offers regular delivery of changes to the website content to those that have signed up for it.

The public comment period was open from September 3, 2014 through October 3, 2014. No request for a public hearing was received by the DAQ. A comment was received from the EPA stating that the agency had reviewed the pre-hearing draft submittal of the 110(l) noninterference submittal and had no comments at this time. One person commented that the best option is to retain the transportation permitting rules and if they are not retained, the application fee should remain to help document and monitor future impacts of these facilities. The DAQ did not make any changes to the Pre-hearing Draft of the North Carolina Clean Air Act Section 110(l) Noninterference Demonstration for Repeal of Transportation Facilities Rules. Attachment A contains the Public Notice Announcement, the EPA comment letter and one public comment letter.

The DAQ believes it has in good faith addressed the requirements for a 110(l) noninterference demonstration. If you should have any questions, please contact Joelle Burleson at (919) 707-8720 or [joelle.burleson@ncdenr.gov](mailto:joelle.burleson@ncdenr.gov).

Sincerely,



Sheila C. Holman, Director  
Division of Air Quality, NCDENR

SCH/pk

Attachments

cc: Scott 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