September 24, 2021

John Blevins, Acting Regional Administrator
USEPA, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Subject: Revision to North Carolina Transportation Conformity Memorandum of Agreements

Dear Mr. Blevins:

I am pleased to submit the final *Revisions to the North Carolina Transportation Conformity Memorandum of Agreements* (MOAs). Enclosed is the complete package (including thirteen MOAs) containing the proposed *Revision to North Carolina Transportation Conformity Memorandum of Agreements* uploaded into the State Planning Electronic Collaboration System (SPeCS) for State Implementation Plans (SIPs) interface for your staff to review.

The thirteen MOAs represent the collaborative efforts between federal, state, local air program agencies and metropolitan planning organizations (MPOs). In compliance with Section 176(c) of the Clean Air Act (CAA), the North Carolina Department of Environmental Quality (DEQ), Division of Air Quality (DAQ) chose, through rulemaking as referenced in 15A NCAC 02D .2005, to develop Conformity MOAs to ensure that interagency consultation procedures for transportation conformity are followed in each of the maintenance areas in the state. Of the thirteen MOAs, eleven MOAs cover areas governed by a MPO, one covers the Great Smoky Mountains National Park administered by the National Park Service (NPS), and one covers the other areas of North Carolina. The areas covered by each of the eleven MPOs are included in Table 1.

Table 2 shows the North Carolina areas with MOAs and the applicable National Ambient Air Quality Standard (NAAQS) for each maintenance area required to meet the provisions of Section 176(c) of the CAA.

The DAQ collaborated with each MPO and the NPS to review the existing MOAs. After discussions with the MPOs and state and federal agencies, the following revisions were agreed upon for the MOAs:
1. Updated the DEQs name;
2. Updated cross-references and definitions;
3. Revised “Long Range Transportation Plan” to “Metropolitan Transportation Plan”;
4. Revised “emissions factors” to “emissions modeling results”; 
5. Updated the inputs needed to generate emissions modeling results; 
6. Revised conformity determination timelines concurrent with current practices; 
7. Added a duty for ten MPOs to conduct project-level conformity analyses as a part of the National Environmental Policy Act process for MPO-sponsored federal projects. The introduced language originated from Section 2.1.6 of the Capital Area MOA and should have been incorporated into the MPOs duties for all other MOAs during the last revision cycle. Project-level conformity is required for all areas that are nonattainment/maintenance; however, the addition of this duty to areas that have attained the NAAQS for over 20 years is for contingency purposes; 
8. Removed the term “particulate matter” under the DEQs duties for determining whether a project is an air quality concern since the MOA incorporates 40 CFR, Part 93, by reference and for the fact that 15A NCAC 02D .2000, Transportation Conformity, specifies the specific provisions to follow for particulates; 
9. Added language in the “Modifications of Agreement” Section allowing the DEQ to make administrative amendments; and 
10. Removed the “Termination and Renewal” Section to reduce the administrative burden for renewing the MOAs with each Party and completing a formal SIP revision on a cyclical basis.

These revisions have been incorporated into the revised MOAs which have been signed by the appropriate representative from the MPO, the Associate Regional Director and Superintendent of the NPS, the Secretaries of the North Carolina DEQ and Department of Transportation (DOT), the Division Administrator of the U.S. Federal Highway Administration, and the Regional Administrator of the U.S. Federal Transit Authority.

The DAQ issued a public notice announcement, in accordance with 40 CFR 51.102, indicating that the pre-hearing draft of the Revision to North Carolina Transportation Conformity Memorandum of Agreements, was available for public comment and is posted on the DAQ website for review. The public comment period was open from Thursday, July 14, 2021, through Monday, August 16, 2021.

In addition to posting on the website, the public notice announcement was sent to a number of email distribution lists managed by the DAQ, which will include numerous stakeholders from industry and environmental groups. The DAQ has found 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.”

In order to address guidance to minimize the spread of COVID-19, the public notice indicated that a digital public hearing via Cisco’s WebEx teleconferencing service would be scheduled if a
public hearing were requested. The pre-hearing draft SIP was also made available for in person review during normal business hours at the DAQ Central Office in Raleigh and each of the DAQ’s Regional Offices.

The DAQ did not receive any requests for a public hearing or any written comments from the public during the comment period. The public notice and USEPA’s no-comment letter are included in Attachment A of this letter.

I look forward to the USEPA’s review and final approval of the clean version of the proposed Revision to North Carolina Transportation Conformity Memorandum of Agreements.

If you have any questions regarding this submittal, please contact Tammy Manning of my staff at (919) 707-8717 or tammy.manning@ncdenr.gov.

Sincerely,

Michael A. Abraczinskas, Director
Division of Air Quality

MAA/tkm

13 enclosures

cc:
Mr. Randy Strait, NCDAQ
Ms. Leslie Rhodes, Mecklenburg County Air Quality
Ms. Ashley Featherstone, Western North Carolina Regional Air Quality Agency
Mr. Minor Barnette, Forsyth County Office of Environmental Assistance and Protection
Ms. Caroline Freeman, USEPA
Mr. Evan Adams, USEPA
Ms. Lynorae Benjamin, USEPA
Ms. Pepa Sassin, USEPA
Ms. Kelly Sheckler
Table 1. MPOs with MOAs and the Area Covered by the MPO

<table>
<thead>
<tr>
<th>MPO with MOA</th>
<th>Areas Covered by MPO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burlington-Graham MPO</td>
<td>Alamance County and portions of Guilford and Orange Counties</td>
</tr>
<tr>
<td>Cabarrus-Rowan MPO</td>
<td>Cabarrus and Rowan Counties</td>
</tr>
<tr>
<td>Charlotte Regional Transportation Planning Organization</td>
<td>Charlotte Urbanized Area which includes Charlotte, and the remainder of Mecklenburg County plus that area beyond the existing urbanized area boundary of Iredell, Mecklenburg and Union Counties that is expected to become urban within a twenty-year planning period.</td>
</tr>
<tr>
<td>Durham-Chapel Hill-Carrboro MPO</td>
<td>Durham County, the portion of Orange County that contains the towns of Chapel Hill, Carrboro and Hillsborough and Northeast Chatham County</td>
</tr>
<tr>
<td>Gaston-Cleveland-Lincoln MPO</td>
<td>Gaston, Cleveland and Lincoln counties</td>
</tr>
<tr>
<td>Greater Hickory MPO</td>
<td>Alexander, Burke, Caldwell and Catawba Counties</td>
</tr>
<tr>
<td>Greensboro Urban Area MPO</td>
<td>City of Greensboro, the majority of unincorporated Guilford County, and the towns of Oak Ridge, Pleasant Garden, Sedalia, Stokesdale, and Summerfield</td>
</tr>
<tr>
<td>High Point Urban Area MPO</td>
<td>High Point Urban Area includes Archdale, Denton, High Point, Jamestown, Lexington, Thomasville, Trinity, Wallburg, and portions of Davidson County, Forsyth County and Randolph County</td>
</tr>
<tr>
<td>North Carolina Capital Area MPO</td>
<td>Franklin, Granville, Harnett, Johnston and Wake Counties</td>
</tr>
<tr>
<td>Rocky Mount Urban Area MPO</td>
<td>City of Rocky Mount, Towns of Nashville and Sharpsburg and portions of Edgecombe and Nash Counties</td>
</tr>
<tr>
<td>Winston-Salem-Forsyth Urban Area MPO</td>
<td>Portions of Forsyth, Davidson, Davie and Stokes Counties</td>
</tr>
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Table 2. Administrators of MOAs and the Maintenance Area for the Applicable NAAQS for Transportation Conformity

<table>
<thead>
<tr>
<th>MOA</th>
<th>Applicable NAAQS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burlington-Graham MPO</td>
<td>1997 8-hour ozone and 1997 annual PM2.5 NAAQS</td>
</tr>
<tr>
<td>Cabarrus-Rowan MPO</td>
<td>1997 8-hour ozone and 2008 8-hour ozone NAAQS</td>
</tr>
<tr>
<td>Charlotte Regional Transportation Planning Organization</td>
<td>1971 carbon monoxide (CO), 1997 8-hour ozone, and 2008 8-hour ozone NAAQS</td>
</tr>
<tr>
<td>Durham-Chapel Hill-Carrboro MPO</td>
<td>1971 CO and 1997 8-hour ozone NAAQS</td>
</tr>
<tr>
<td>Gaston-Cleveland-Lincoln MPO</td>
<td>1997 8-hour ozone and 2008 8-hour ozone NAAQS</td>
</tr>
<tr>
<td>Greater Hickory MPO</td>
<td>1997 annual PM2.5 NAAQS</td>
</tr>
<tr>
<td>Greensboro Urban Area MPO</td>
<td>1997 annual PM2.5 NAAQS</td>
</tr>
<tr>
<td>High Point Urban Area MPO</td>
<td>1971 CO and 1997 annual PM2.5 NAAQS</td>
</tr>
<tr>
<td>North Carolina Capital Area MPO</td>
<td>1971 CO and 1997 8-hour ozone NAAQS;</td>
</tr>
<tr>
<td>Rocky Mount Urban Area MPO</td>
<td>1997 8-hour ozone NAAQS</td>
</tr>
<tr>
<td>Winston-Salem-Forsyth Urban Area MPO</td>
<td>1971 CO and 1997 annual PM2.5 NAAQS</td>
</tr>
<tr>
<td>Rural (counties not covered by MPO, administered by North Carolina DOT)</td>
<td>1997 8-hour ozone NAAQS-Person County</td>
</tr>
<tr>
<td>Great Smoky Mountains National Park (administered by NPS)</td>
<td>1997 8-hour ozone NAAQS</td>
</tr>
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Attachment A

Public Notice

USEPA No Comment Letter
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NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE

PURPOSE: The North Carolina Department of Environmental Quality (DEQ), Division of Air Quality (DAQ), hereby gives notice regarding its pre-hearing draft of the Revision to the Transportation Conformity Memorandum of Agreements (MOAs). The thirteen MOAs represent the collective collaborative efforts between federal, state, local air program agencies and metropolitan planning organizations (MPOs). Of the thirteen MOAs, eleven MOAs cover areas governed by a MPO, one covers the Great Smoky Mountains National Park administered by the National Park Service (NPS), and one covers the other areas of North Carolina.

In compliance with Section 176(c) of the Clean Air Act (CAA), the North Carolina DAQ chose, through rulemaking as referenced in 15A NCAC 02D .2005, to develop Conformity MOAs to ensure that interagency consultation procedures for transportation conformity are followed in each of the maintenance areas in the state. The DAQ intends to submit a final version of these MOAs to EPA for incorporation into North Carolina’s SIP after considering relevant public comments.

COMMENT PROCEDURES: Any person wishing to comment may submit a written statement for inclusion in the record of proceedings regarding the pre-hearing draft of the Revision to North Carolina Transportation Conformity Memorandum of Agreements. Written comments should be submitted electronically or postmarked no later than Monday, August 16, 2021.

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. In order to address current guidance to help minimize the spread of COVID-19, a digital public hearing via Cisco’s WebEx teleconferencing service will be scheduled if a public hearing is requested. A separate notice will be announced for the hearing including the date, time, and methods to access the WebEx meeting. Written requests for a public hearing should be postmarked or submitted electronically no later than Monday, August 16, 2021.

INFORMATION: Copies of the pre-hearing draft of the Revision to the Transportation Conformity Memorandum of Agreements may be downloaded from the DAQ website at https://deq.nc.gov/about/divisions/air-quality/air-quality-planning/state-implementation-plans/transportation-conformity-memo-agreements. Comments or requests for a public hearing can be submitted to: daq.publiccomments@ncdenr.gov (Please type “Transportation Conformity MOAs” in the subject line)

Alternatively, comments or requests for a public hearing can be mailed or faxed to:
Tammy Manning Fax: (919) 715-0718
NC Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

Based on the current guidance to minimize the spread of COVID-19, all DAQ office locations are limiting public access to appointments only. As such, the Pre-Hearing Draft of the Revision to the Transportation Conformity Memorandum of Agreements may only be reviewed in person after making an appointment at the following DAQ offices:

Raleigh Central Office, Planning Section (919) 707-8403
Asheville Regional Office (828) 296-4500
Fayetteville Regional Office (910) 433-3300
Mooresville Regional Office (704) 663-1699
Raleigh Regional Office (919) 791-4200
Washington Regional Office (252) 946-6481
Wilmington Regional Office (910) 796-7215
Winston-Salem Regional Office (336) 776-9800

Date: 7/14/21

Michael A. Abraczinskas, DAQ Director
August 16, 2021

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

Dear Mr. Abraszinskas:

Thank you for your letter dated July 14, 2021, transmitting a prehearing package regarding the Revisions to the North Carolina Transportation Conformity Memorandum of Agreements (MOAs). If requested, these revisions are the subject of a public hearing via Cisco’s WebEx teleconference. We have completed our review of the 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. Pepa Sassin, Chief, Air Regulatory Management Section at (404) 562-9075, or your staff contact Mr. Evan Adams at (404) 562-9009.

Sincerely,

Lynorae Benjamin
Chief
Air Planning and Implementation Branch