September 27, 2018

Trey Glenn
Regional Administrator
USEPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Subject: Certification for Clean Air Act (CAA) Section 110(a)(1) and (2) Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standard (NAAQS)

Dear Mr. Glenn:

I am pleased to submit the final certification demonstrating that the North Carolina Department of Environment Quality, Division of Air Quality (DAQ), has met the requirements of CAA Sections 110(a)(1) and (2) for the 2015 8-hour Ozone NAAQS. The DAQ relied on the U.S. Environmental Protection Agency’s (EPA) September 13, 2013 memorandum, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and 110(a)(2)” for preparing this certification demonstration. Attachment 1 contains copies of the EPA memoranda and notices used to develop the Infrastructure SIP. Attachments 2 and 3 document North Carolina’s CAA Section 110(a)(2)(D)(i)(I) “Good Neighbor” demonstration for the 2015 ozone NAAQS. Attachment 4 contains the public notice and EPA’s comment letter. An exact duplicate electronic copy of the entire package is provided on a compact disc.

The North Carolina General Statutes are included as reference material only, and should not be adopted as part of North Carolina’s SIP. The DAQ believes that legal documents and statutes are not required to be adopted into the SIP based upon the EPA Federal Register (FR) notice on May 19, 2010 regarding California’s legal authority (75 FR 27938). In this final rule, the EPA states, “We also noted that the actual statutory provisions and other legal documents relied upon to support a State’s assurance of adequate legal authority need not be approved into the SIP under CAA Section 110 or [EPA’s] SIP regulations under 40 [Code of Federal Regulation] part 51 (although such provisions are required to be submitted with the plan). Thus, [EPA] could approve, consistent with CAA and [EPA] requirements, and did so in this instance, a wholesale revisions to the original legal authority chapter without also approving the actual statutory provisions and other legal documents cited there.”
The DAQ issued a public notice announcement on August 22, 2018, in accordance with 40 CFR 51.102, indicating that the “North Carolina Certification For Clean Air Act Sections 110(a)(1) and (2) Infrastructure State Implementation Plan for the 2015 8-Hour Ozone National Ambient Air Quality Standard” was available for public comment and posted on the DAQ website for review. The public notice announcement indicated that anyone may request a public hearing.

In addition to posting on the DAQ website, the public notice announcement was sent to a number of e-mail distribution lists managed by the DAQ that includes numerous stakeholders from industry and environmental groups. The DAQ believes that sending the public notice announcement to these groups is more effective than publishing the notice 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 DAQ website offers regular delivery to persons interested in receiving updates to the website content. The document was also made available for review during normal business hours at the DAQ Central Office in Raleigh and all of the DAQ’s Regional Offices.

The public comment period was open from August 22, 2018 through September 24, 2018. The DAQ did not receive any requests for a public hearing. Comments were received only from EPA regarding the interstate pollution transport provisions (Section 110(a)(2)(D)(i)(I)) of the CAA. The DAQ revised the certification narrative and Attachment 2 in this final submittal to address EPA’s comments.

The DAQ believes it has in good faith addressed the requirements of CAA Sections 110(a)(1) and (2) for the 2015 8-Hour Ozone NAAQS. If you should have any questions regarding this submittal, please contact Randy Strait of my staff at (919) 707-8721.

Sincerely,

Michael A. Abraczinskas, Director
Division of Air Quality, NCDEQ

MMA/rps

Enclosures

cc: Michael Pjetraj, NC DAQ
Sushma Masemore, NC DAQ
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