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January 12, 2012

Gwendolyn Keyes Fleming, Esq.
Regional Administrator
US EPA Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8909

Re: *Withdrawal of the South Carolina 8-Hour Ozone Attainment Demonstration for the Portion of York County, South Carolina Within the Rock Hill-Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) Part of the Charlotte-Gastonia-Rock Hill, NC-SC 8-Hour Ozone Nonattainment Area*

Dear Ms. Fleming:

I am writing today to formally withdraw the South Carolina 1997 8-Hour Ozone Attainment Demonstration for the portion of York County, South Carolina within the Rock Hill-Fort Mill Area Transportation Study (RFATS) Metropolitan Planning Organization (MPO) part of the Charlotte-Gastonia-Rock Hill, NC-SC (Metrolina) 8-hour ozone nonattainment area. This is not a decision that the Department of Health and Environmental Control (herein "DHEC") takes lightly. The nonattainment designation process and the time spent fulfilling it have consumed significant local, state, and federal resources. However, we submit this request in the interest of expediting approval of the State's redesignation demonstration and maintenance plan for the South Carolina portion of this nonattainment area (submitted June 1, 2011), eliminating the unnecessary and continued waste of both federal and state resources, and continuing our mission to promote and protect the health of the public and the environment. It should be noted that certified monitor data shows the York, SC monitor has a 2011 design value of 0.064 ppm.

Background

On April 30, 2004, the United States Environmental Protection Agency (EPA) announced and promulgated designations, classifications, and boundaries for every area in the United States with respect to the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) (69 FR 23857). At that time, the EPA designated and classified that portion of York County, South Carolina within the RFATS MPO as a moderate nonattainment area for the 1997 8-hour ozone NAAQS as part of the Metrolina nonattainment area.

On August 31, 2007, DHEC submitted its state implementation plan (SIP) submissions (later adjusted April 29, 2010) for the nonattainment area which addressed how the area would attain the NAAQS (i.e., the attainment demonstration), reasonably available control measures, reasonable further progress, emissions statement, and contingency measures. On June 1, 2011, DHEC submitted a request for approval of the Redesignation Demonstration and Maintenance Plan for the York County portion of the Metrolina nonattainment area based on air quality monitoring data for the years 2008-2010, showing the area meets the 1997 8-hour ozone NAAQS.

Decision to Withdraw

On November 15, 2011, the EPA published a final rule (76 FR 70656) making a determination that the Metrolina nonattainment area had attained the 1997 8-hour ozone NAAQS ("clean data determination.") This determination was based on complete, quality-assured, quality-controlled, and certified ambient air monitoring data for the years 2008-2010. In accordance with 40 CFR 51.918, this clean data determination suspends the requirements for DHEC to submit an attainment demonstration and associated reasonably available control measures (RACM) analyses, reasonable further progress (RFP) plans, contingency measures, and other planning SIPs related to attainment of the 1997 8-hour ozone NAAQS. To this end, the EPA has informally requested that DHEC withdraw the attainment demonstration SIP submission. Therefore, DHEC is withdrawing the previously submitted attainment demonstration for this area with the exception of those portions of the attainment demonstration that pertain to reasonable further progress (RFP) plans and emissions inventories.

Again, we continue to be concerned with EPA's SIP process and the time and resources involved in submitting SIP revisions that are not acted upon or, worse yet, become irrelevant based on new, stricter NAAQS. It is our understanding that despite our redesignation request and the clean data determination, if DHEC does not withdraw its previous SIP submissions, the EPA remains obligated to act. While we question this withdrawal request, DHEC fully expects that the EPA will expedite the approval of our redesignation demonstration and maintenance plan for the South Carolina portion of the Metrolina nonattainment area. As you are well aware, if EPA does not approve the redesignation demonstration and maintenance plan by December 31, 2012, DHEC will have to re-do the redesignation demonstration and maintenance plan, again wasting already limited state resources. Further, a delay could cause modeling associated with budget tests required for transportation conformity to have to be re-run as well as continue to negatively impact economic development in an area currently attaining the 1997 8-hour ozone NAAQS.

VOC Insignificance

A continuing concern is that EPA may move forward with approving a Motor Vehicle Emissions Budget (MVEB) for volatile organic compounds (VOCs) although the issue regarding a VOC insignificance determination for the State of South Carolina remains unresolved. Evidence to support this determination was included with the attainment demonstration and was resubmitted in the redesignation demonstration and maintenance plan. A tremendous amount of resources, including more recent modeling,¹ continues to focus on this issue. Studies have shown the overwhelming abundance of biogenic VOC emissions makes the majority of North and South Carolina, including the Metrolina nonattainment area, a NO_x-limited environment for the formation of ozone. Emission estimates indicate on-road mobile VOC is a small percentage of the total VOC emissions inventory and on-road mobile VOC emissions are projected to decrease in the future. Should this area and/or the State of South Carolina be deemed VOC insignificant at any point in the future, any/all VOC MVEB submitted will be withdrawn, as per 40 CFR 93.109, given the regional emissions analysis for this precursor pollutant would have been waived.²

Concluding Remarks

Reductions in ozone precursors continue throughout the southeast, as reflected in the ozone monitor readings in the region (including the Metrolina area). Citizens, local governments and industries across the state are aware of the air quality issues they face, and are both active and committed to finding ways

¹ Continuing VOC Sensitivity Analysis underway by the Southeastern States Air Resource Managers (SESARM)' Southeastern Modeling, Analysis, and Planning (SEMAP) Project

² See precedent set by EPA's VOC Insignificance determination in the proposed approval of the Great Smoky Mountains National Park 1997 8-hour Ozone Nonattainment Area (74 FR 53198, October 16, 2009).

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to voluntarily reduce emissions. These efforts, along with state and federal measures, will lead to continued multipollutant reductions. It is the hard work and dedication of all air quality partners, including EPA that lead to these continued improvements.³

Further, DHEC would like to reiterate that since states are charged with carrying out requirements of the CAA EPA should give great deference to state recommendations for designating areas for any NAAQS. South Carolina's experience with the Metrolina nonattainment area has demonstrated to us the challenges and complexities of multi-state nonattainment area designations. As EPA considers the 2008 Boundary Recommendations submitted by our state and others, we urge you to consider the ramification that future designations will have. Specifically, if there are exceeding monitors on both sides of a geographic boundary, such as a state line, and each state is responsible for corrective actions, then those areas should be designated separately. This is even more important should the monitors located on separate sides of a geographic boundary place the areas in different classifications, or if one or more monitors on one side of the geographic boundary do not exceed the standard at all.

As always, we look forward to working with you and your staff in a collaborative manner to identify and ensure continued improvements are made in air quality management that ultimately result in smarter approaches for implementation of rules. Should you or any of your staff have any questions or comments, please contact Mr. Robert Brown of the Bureau of Air Quality at 803-898-4105 or brownrj@dhec.sc.gov.

Sincerely,



Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control
South Carolina Department of Health and Environmental Control

cc: R. Scott Davis, III, Chief, Air Planning Branch, EPA Region 4
Lynorae Benjamin, Chief, Regulatory Development Section, EPA Region 4
Jane Spann, Ozone Coordinator, EPA Region 4
Richard Wong, South Carolina Liaison, EPA Region 4
Chief Bill Harris, Catawba Indian Nation
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Maeve S. R. Mason, Manager, Regulation and SIP Management Section, BAQ, SCDHEC
Sheila C. Holman, Director, NC Department of Environment and Natural Resources, Division of Air Quality
Laura Boothe, Attainment Planning Branch Supervisor, NC Department of Environment and Natural Resources, Division of Air Quality

³ See for example: <http://centralina.org/cen/connect-regional-visioning>, last accessed December 21, 2011.