



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment

November 13, 2009

Mr. A. Stanley Meiburg
Acting Regional Administrator
United States Environmental Protection Agency, Region 4
Sam Nunn Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Mr. Meiburg:

Please accept South Carolina's 8-hour Ozone Attainment Demonstration State Implementation Plan (SIP) 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 that was submitted August 31, 2007, to fulfill this SIP requirement. Per electronic correspondence from the United States Environmental Protection Agency (EPA) Region 4 on November 10, 2009, EPA is still in receipt of this attainment demonstration package; therefore, EPA is not requiring a resubmittal. The original attainment demonstration submittal went through the public hearing process in 2007.

The South Carolina Department of Health and Environmental Control (SCDHEC) is committed to ensuring cleaner air for our citizens as has been clearly demonstrated by proactive efforts at both the state and local levels. Air quality in the area has improved over the last several years, and all of the ambient monitors in the Charlotte nonattainment area recorded ozone values below the 1997 8-hour ozone standard for the entire 2009 ozone season. Because of the overall improvement in ozone levels in 2009, SCDHEC intends to request a one-year extension of the June 15, 2010, attainment date.

The fact that the ozone values in this area for 2009 are below the 1997 8-hour ozone standard is very important for many reasons. First, and foremost, it means that even though the national ambient air quality standards continue to become more stringent, air quality is improving, and that is important for public health. Secondly, with the limited resources and budget issues that the states are dealing with, this improved air quality reminds us that the focus of SCDHEC and EPA should be on air quality and not on a process.

On November 17, 2008, EPA notified SCDHEC that it could not approve the attainment demonstration SIP submitted August 31, 2007, for this area because it believed this area was unlikely to attain the 1997 8-hour ozone standard by June 15, 2010, or meet the requirements for a one-year extension of the attainment date. EPA offered the option of requesting a reclassification ("bump-up") from Moderate to Serious, with the alternative being disapproval of the 8-hour ozone attainment demonstration.

On December 22, 2008, after serious consideration of the consequences that would result from either of the options presented by EPA, evaluation of the air quality data in York and the surrounding area, and much consultation and discussion with stakeholders in the area and with the NC Department of Environment and Natural Resources (NCDENR) Division of Air Quality (DAQ), SCDHEC determined that it was in the best interest of all parties involved to withdraw the 8-hour ozone attainment demonstration for the area. As stated in that correspondence, SCDHEC did not take that decision lightly. It was premature for EPA to force this action as the 2009 ozone season had not even occurred, and it was still possible for the area to qualify for a one-year extension as allowed under the Clean Air Act. SCDHEC agreed to work with NCDENR DAQ to address the attainment demonstration with the intent of resubmitting that portion of the SIP to EPA by November 30, 2009.

In the May 8, 2009, *Federal Register*, EPA issued a "Finding of Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone National Ambient Air Quality Standard; North Carolina and South Carolina," (*FR Vol. 74, No. 88, May 8, 2009*). In this action, EPA found that North Carolina and South Carolina failed to submit the required moderate-area attainment demonstration SIP submittals for the Charlotte Area for the 1997 8-hour ozone standard. This finding started the sanctions clock and a 24-month clock for the promulgation of a Federal Implementation Plan by EPA. However, upon EPA's receipt of this transmittal, the requirements of Section 172(c), 182(a) and 182(b) of the Clean Air Act, as amended should be fulfilled.

SCDHEC, along with the NCDENR DAQ, have expended much time and resources to meet the November 30, 2009, deadline committed to in December 2008. Additional modeling has been completed to further support the fact that air quality in this region is improving. Emissions reductions due to the implementation of the Clean Air Interstate Rule and the federal standards applicable to mobile sources have lowered background ozone levels and ozone transport to the area. Also, the NCDENR DAQ believes that the final installation of nitrogen oxide controls to meet the Clean Smokestacks Act have also contributed to lower ozone levels.

Preliminary review of the 2009 meteorology by the NCDENR DAQ has determined that the average temperature and precipitation were in line with the 30-year average values. Although there were not many stagnation events which can lead to elevated ozone levels, on days when the weather patterns were conducive for ozone formation, exceedances of the 1997 ozone standard were not observed.

In addressing the May 8, 2009, "Finding of Failure to Submit," SCDHEC worked with EPA Region 4 and the interagency consultation partners on a revised attainment demonstration. However, during the monthly conference call with EPA on October 21, 2009, and subsequent discussion on November 4, 2009, EPA presented as an option resubmittal of the original attainment demonstration submitted in 2007 and then supplement this demonstration with weight of evidence with the 2011 modeling and actual air quality data from 2009. As such, we are making this submittal today.

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SCDHEC appreciates the efforts of EPA Region 4 to bring resolution to this issue. At this time, SCDHEC requests EPA to commence the approval process of South Carolina's 8-hour Ozone Attainment Demonstration SIP for the portion of York County, South Carolina within the RFATS MPO part of the Charlotte-Gastonia-Rock Hill, NC-SC 8-hour Ozone Nonattainment Area. SCDHEC will work with the EPA Region 4 staff and NCDENR DAQ to provide supplemental information as necessary. Should you have any questions or comments concerning this resubmittal, please contact Robbie Brown at 803-898-4105.

Sincerely,



Robert W. King, Jr., P.E.
Deputy Commissioner
Environmental Quality Control

cc: The Honorable Donald Rodgers, Chief, Catawba Indian Nation
Congressman John Spratt
Senator Lindsey Graham
Senator Jim DeMint
Dee Freeman, NC DENR
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