

Appendix F

EPA Comments to Pre-hearing SIP and Department Response

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Comments from EPA included in a letter from Dick Schutt on 5/2/2011.

Comment:

The contingency plan section should be strengthened to meet the requirements of the Clean Air Act (CAA) section 175A and the September 4, 1992, U.S. Environmental Protection Agency Redesignation Guidance (Procedures for Processing Requests to Redesignate Areas to Attainment, aka, the Calcagni memo). The South Carolina maintenance plan identifies only one trigger - a Quality Assured/Quality Controlled design value that exceeds the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) at the York County monitor. After a violation at any monitor within the nonattainment area, South Carolina is obligated to, at a minimum, consult with North Carolina to determine which state, North Carolina and/or South Carolina will implement a contingency measure(s) within a time-frame, specified in the maintenance plan, to bring the area back into attainment.

Response:

The primary trigger has been updated to specify that an exceedance of the design value at ANY monitor in the nonattainment area will result in consultation with NC to assess appropriate contingency measure action if necessary. SCDHEC will continue our commitment to work with local stakeholders to maintain the NAAQS as required. Monitoring trends will be evaluated as stakeholders continue to pursue emission reduction activities that improve air quality in general. SCDHEC will continue to encourage proactive, voluntary emission reduction activities. As proven in SC, proactive efforts may be able to prevent any actual violations of the NAAQS.

Comment:

The Calcagni memo also states that "The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the state." The South Carolina maintenance plan does not provide a firm commitment to adopt any measures but only states that measures will be considered for adoption upon a trigger. Please state that South Carolina will, upon a trigger, adopt and implement contingency measures within a specified time frame.

Response:

The Department has updated the maintenance plan to specify that it will develop and implement necessary regulations as soon as practicable and within the guidelines established in the South Carolina Administrative Procedures Act or no more than two years after selection of the appropriate measure.

Comment:

According to section 107(d)(3)(E) of the CAA, redesignation submittals must show permanent and enforceable emission reductions for ozone precursors that led to attainment in the area. The redesignation request should estimate the percent reduction or tons of volatile organic compounds (VOC) and/or nitrogen oxides (NO_x) (from the year that was used to determine the design value for designation and classification) achieved from federal and state control measures in the nonattainment area. In addition, the language in the discussion of the Clean Air Interstate Rule (CAIR) appears to suggest that South Carolina favors including a discussion of the CAIR benefits that have led to redesignation and maintenance in the Charlotte Area. EPA feels that South Carolina should not rely on CAIR and instead should focus its discussion on NO_x reductions as a result of the NO_x SIP Call as a means to demonstrate attainment.

Response:

The maintenance plan has been amended to focus on those NO_x reductions which occurred as a result of the NO_x SIP call.

Comment:

The Calcagni memo recommends that there be another trigger prior to a violation of the NAAQS such as an increase in emissions. This indicator would allow a state to take early action to address potential violations of the NAAQS before they occur and prevent any actual violation of the NAAQS. However, the pre-violation trigger would not necessarily require the implementation of any specific contingency measure.

Response:

The Department has committed in the maintenance plan to monitor periodic emissions inventory updates and compare these to projected emissions. If projected emissions in this maintenance plan are significantly less, SCDHEC will investigate the differences and develop an appropriate strategy for addressing these differences.

Comment:

One of the contingency measures listed in the South Carolina maintenance plan is Reasonably Available Control Technology (RACT) for NO_x and VOC on existing stationary sources. RACT for NO_x and VOC is already required for 100 tpy sources so this would not be appropriate for a contingency measure. Please specify the size of the source where RACT would be required as a contingency measure.

Response:

The Department has amended the maintenance plan to specify that it will evaluate RACT for NO_x on existing stationary sources not subject to existing requirements.

Comment:

Please clarify in the Control Techniques Guidelines (CTG) section on page 19 that the SC CTG RACT analysis included a search/review of all sources in each CTG source category and that no CTG sources were found.

Response:

This language has been amended as requested to clarify that all sources in the Nonattainment Area have been evaluated for CTG applicability.

Comment:

Due to the fact that the Charlotte 1997 8-hour ozone nonattainment area is a multistate area, the redesignation request and maintenance plan for the SC portion should provide adequate details and discussion on how the SC portion fits into the entire Area's eligibility for redesignation. Specifically, on page 16 - South Carolina provides their plan for maintaining compliance with the NAAQS in the South Carolina portion of the Charlotte nonattainment area. The maintenance plans are to address the entire nonattainment area and the state should make an effort to provide emissions inventories for the entire nonattainment area.

Response:

In conjunction with the SC maintenance plan, the NCDAQ has developed its own separate maintenance plan for the NC portion of the nonattainment area. This request is overly burdensome within the current redesignation timeline. In a multistate nonattainment area, requiring both states to submit emissions summaries for the other state is not only repetitive and redundant but is also a waste of valuable resources. For emissions summaries for the North Carolina portion of the Metrolina nonattainment area, refer to the redesignation demonstration and maintenance plan submitted by the NCDAQ.

Comment:

The discussion and conclusion that weather was not a contributing factor for the attainment of the 1997 8-hour ozone standards in the Charlotte Area should be strengthened to further support the state's assertion that permanent and enforceable controls are the basis for air quality improvements in the area.

Response:

The Department has amended this section of the maintenance plan to abbreviate this analysis based on the understanding that the state cannot control weather patterns. However, the Department maintains that the dramatic rise in temperatures coupled with the low number of exceedences in the Metrolina nonattainment area indicate that the air quality improvements are based on permanent and enforceable controls.

Comment:

Section 172(c)(3) requires the submittal of a comprehensive, accurate and current inventory of actual emissions from all sources of the relevant pollutant in the Nonattainment Area (NAA) and requires the submittal of a comprehensive, accurate and current inventory of actual emissions from all sources of the relevant pollutant in the NAA as a part of the Attainment SIP that was due from South and North Carolina in 2007. Since we have not acted on the attainment SIP, we still need to approve the 2002 attainment SIP inventory. This would normally be the inventory from which permanent and enforceable reductions occurred for the areas to attain the 1997 ozone NAAQS. We need for the state to tell us how they want the 172(c)(3) and 182(a)(1) requirements to be addressed in this redesignation SIP.

Response:

The maintenance plan is relying on the 2002 inventory for the base year. The EPA should move forward to approve the previously submitted Attainment Demonstration's emissions inventory.

Comment:

Base Year for Nonattainment Area: For the purposes of redesignation, a state must meet all requirements of Section 110 and Part D that were applicable prior to submittal of the complete redesignation request.

South Carolina should declare the base year used for their projection/future year inventories. The base year emissions inventory should represent actual emissions for the NAA. For redesignation purposes the SIP should discuss in general terms how the base year (if it is the same as the submitted attainment SIP base year) was developed and if we are approving the attainment SIP inventory. In particular, the redesignation SIP should provide documentation of any revisions that may have been made to any source categories. For example, we expect that there may be differences in the attainment SIP base year inventory that states submitted per the AERR.

A comprehensive documentation is necessary if a year different from the attainment SIP is being used for the redesignation base year inventory.

The redesignation base year was chosen to be 2010 since it is one of the most recent three years (2008, 2009 and 2010) for which the Charlotte area has clean air quality data for the 1997 8-hour ozone NAAQS. Please clarify, where necessary, that the 2010 inventories represent actual emissions for that year.

Response:

The maintenance plan has been amended to clarify that 2010 inventories are based on actual emissions.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

May 2, 2011

Robert J. Brown, Jr., Director
Division Air Planning, Development and Outreach
Bureau of Air Quality
South Carolina Department of
Environment and Control
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Brown:

Thank you for your letter dated April 1, 2011, transmitting a prehearing package regarding the proposed redesignation demonstration and maintenance plan for the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC 8-hour Ozone Nonattainment Area. These state implementation plan (SIP) revisions are the subject of a public comment period which began on March 25, 2011, with written comments due by the close of business on May 2, 2011. We have completed our review of the prehearing submittal and have substantive comments regarding the contingency plan and the demonstration of permanent and enforceable reductions. Additional comments are included in the enclosure.

Contingency Plan

The contingency plan section should be strengthened to meet the requirements of the Clean Air Act (CAA) section 175A and the September 4, 1992, U.S. Environmental Protection Agency Redesignation Guidance (Procedures for Processing Requests to Redesignate Areas to Attainment, aka, the Calcagni memo). The South Carolina maintenance plan identifies only one trigger – a Quality Assured/Quality Controlled design value that exceeds the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) at the York County monitor. After a violation at any monitor within the nonattainment area, South Carolina is obligated to, at a minimum, consult with North Carolina to determine which State, North Carolina and/or South Carolina will implement a contingency measure(s) within a time-frame, specified in the maintenance plan, to bring the area back into attainment.

The Calcagni memo also states that “The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State.” The South Carolina maintenance plan does not provide a firm commitment to adopt any measures but only states that measures will be considered for adoption upon a trigger. Please state that South Carolina will, upon a trigger, adopt and implement contingency measures within a specified time frame.

Permanent and Enforceable Reductions

According to section 107(d)(3)(E) of the CAA, redesignation submittals must show permanent and enforceable emission reductions for ozone precursors that led to attainment in the area. The

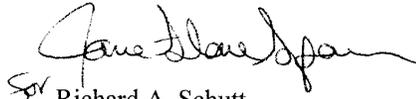
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redesignation request should estimate the percent reduction or tons of volatile organic compounds (VOC) and/or nitrogen oxides (NOx) (from the year that was used to determine the design value for designation and classification) achieved from federal and state control measures in the nonattainment area. In addition, the language in the discussion of the Clean Air Interstate Rule (CAIR) appears to suggest that South Carolina favors including a discussion of the CAIR benefits that have led to redesignation and maintenance in the Charlotte Area. EPA feels that South Carolina should not rely on CAIR and instead should focus its discussion on NOx reductions as a result of the NOx SIP Call as a means to demonstrate attainment.

We look forward to continuing to work with you and your staff. If you have any questions, please contact Ms. Lynorae Benjamin, Chief, Regulatory Development Section at (404) 562-9040, or have your staff contact Royce Dansby-Sparks at (404) 562-9187.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Schutt". The signature is fluid and cursive, with a small "Sr." written to the left of the main name.

Sr. Richard A. Schutt
Chief
Air Planning Branch

Enclosure

**Additional Comments for the South Carolina –
Charlotte 8-hour Ozone Redesignation Prehearing**

General Comments - The following are comments that EPA feels would strengthen South Carolina's redesignation request and maintenance plan.

1. The Calcagni memo recommends that there be another trigger prior to a violation of the NAAQS such as an increase in emissions. This indicator would allow a State to take early action to address potential violations of the NAAQS before they occur and prevent any actual violation of the NAAQS. However, the pre-violation trigger would not necessarily require the implementation of any specific contingency measure.
2. One of the contingency measures listed in the South Carolina maintenance plan is Reasonably Available Control Technology (RACT) for NO_x and VOC on existing stationary sources. RACT for NO_x and VOC is already required for 100 tpy sources so this would not be appropriate for a contingency measure. Please specify the size of the source where RACT would be required as a contingency measure.
3. Please clarify in the Control Techniques Guidelines (CTG) section on page 19 that the SC CTG RACT analysis included a search/review of all sources in each CTG source category and that no CTG sources were found.
4. Due to the fact that the Charlotte 1997 8-hour ozone nonattainment area is a multistate area, the redesignation request and maintenance plan for the SC portion should provide adequate details and discussion on how the SC portion fits into the entire Area's eligibility for redesignation. Specifically, on page 16 – South Carolina provides their plan for maintaining compliance with the NAAQS in the South Carolina portion of the Charlotte nonattainment area. The maintenance plans are to address the entire nonattainment area and state should make an effort to provide emissions inventories for the entire nonattainment area.
5. The discussion and conclusion that weather was not a contributing factor for the attainment of the 1997 8-hour ozone standards in the Charlotte Area should be strengthened to further support the State's assertion that permanent and enforceable controls are the basis for air quality improvements in the area.
6. The following comments are related to the emissions inventories:
 - a. Section 172(c)(3) requires the submittal of a comprehensive, accurate and current inventory of actual emissions from all sources of the relevant pollutant in the Nonattainment Area (NAA) and requires the submittal of a comprehensive, accurate and current inventory of actual emissions from all sources of the relevant pollutant in the NAA as a part of the Attainment SIP that was due from South and North Carolina in 2007. Since we have not acted on the attainment SIP, we still need to approve the 2002 attainment SIP inventory. This would normally be the inventory from which permanent and enforceable reductions occurred for the areas to attain the 1997 ozone NAAQS. We need for the state to tell us how they want the 172(c)(3) and 182(a)(1) requirements to be addressed in this redesignation SIP.

- b. Base Year for Nonattainment Area: “For the purposes of redesignation, a state must meet all requirements of Section 110 and Part D that were applicable prior to submittal of the complete redesignation request.
 - i. South Carolina should declare the base year used for their projection/future year inventories. The base year emissions inventory should represent actual emissions for the NAA. For redesignation purposes the SIP should discuss in general terms how the base year (if it is the same as the submitted attainment SIP base year) was developed and if we are approving the attainment SIP inventory. In particular, the redesignation SIP should provide documentation of any revisions that may have been made to any source categories. For example, we expect that there may be differences in the attainment SIP base year inventory that States submitted per the AERR.
 - ii. A comprehensive documentation is necessary if a year different from the attainment SIP is being used for the redesignation base year inventory.
- c. The redesignation base year was chosen to be 2010 since it is one of the most recent three years (2008, 2009 and 2010) for which the Charlotte area has clean air quality data for the 1997 8-hour ozone NAAQS. Please clarify, where necessary, that the 2010 inventories represent actual emissions for that year.