

From: Jim Witkowski <Jim.Witkowski@ipaper.com>
To: <robertln@dhec.sc.gov>
Date: 1/7/2009 5:58 PM
Subject: Ozone Nonattainment Boundary Recommendations
Attachments: ETC Comments Ozone NAAQS Boundaries.doc

Attached are comments submitted on behalf of the SC Chamber of Commerce Environmental/Technical Committee. Thanks for all your hard work on this issue, particularly providing the public information and many opportunities for input.

(See attached file: ETC Comments Ozone NAAQS Boundaries.doc)

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Certified Mail

January 7, 2009

Mr. L. Nelson Roberts, Jr.
South Carolina Department of Health and Environmental Control
Bureau of Air Quality
2600 Bull Street
Columbia, SC 29201

Re: Ozone NAAQS Nonattainment Boundary Recommendations

Dear Mr. Roberts:

The following comments are provided on behalf of the South Carolina Chamber of Commerce Environmental/Technical Committee (“Technical Committee”) regarding the nonattainment boundary recommendations for the revised primary and secondary ozone NAAQS.

The South Carolina Chamber of Commerce (“Chamber”), with over 2000 member companies, represents a very diverse group of businesses with interests in South Carolina. Many Chamber member companies will be directly impacted by the nonattainment boundary designations that will be made for the revised ozone NAAQS. The comments provided below do not preclude member companies from submitting comments directly or through other associations with which they are affiliated.

The Technical Committee very much appreciates the opportunities provided by the South Carolina Department of Health and Environmental Control (DHEC) for stakeholder involvement in the development of these boundary recommendations. The opportunities provided by DHEC for a diverse group of stakeholders to discuss the various issues associated with these boundary recommendations is to be commended. In particular, a number of meetings were conducted across the state in the regions most impacted by these boundary recommendations. Since it is very important to consider the unique issues in these various regions, this approach provided all interested stakeholders a forum to receive information and provide input for each region in a focused manner. DHEC is also to be commended for the information provided on their website to further educate and inform the public.

DHEC should utilize the flexibility provided in EPA's December 4, 2008 memorandum (Robert J. Meyers to Regional Administrators) to recommend boundaries other than the presumptive boundaries described in this memorandum. EPA clearly acknowledges that the nonattainment boundary recommendations "...should be evaluated on a case-by-case basis..." and that the presumptive boundaries are only a "...starting point.". EPA further clarifies in this memorandum that "The guidance is not binding on states...". It is essential that DHEC evaluate each potential nonattainment area and make recommendations that are justified based on the unique situations that exist in each area. Therefore, it is very likely, and expected, that DHEC's recommendations will be different than EPA's presumptive boundaries.

DHEC should consider other relevant factors, in addition to the nine specifically identified in the above referenced EPA guidance memorandum, in making the boundary recommendations. EPA states in this memorandum that "States and tribes may submit additional information they believe is relevant for EPA to consider." DHEC should consider additional factors in making boundary designation recommendations. These additional considerations should include; the impact of current and future regulatory requirements, public comments received, and education/outreach programs.

DHEC should recommend smaller nonattainment areas than the presumptive boundaries described by EPA. EPA's presumptive boundaries are excessive and not warranted in any of the areas of concern in South Carolina. The economic impact of a nonattainment designation is significant and should be reserved only to the areas that specifically warrant such a designation. Arbitrarily expanding these areas to larger presumptive boundaries without justification is not appropriate. DHEC must evaluate each area of the state and recommend the minimal justified jurisdictional boundary, such as metropolitan planning organization boundaries. DHEC should not hesitate to recommend partial county boundaries, if supported by an analysis of the relevant factors.

The Technical Committee supports the use of the Early Action Compact (EAC) process and recommends that DHEC continue their advocacy of such a process. South Carolina has previously demonstrated the effectiveness of the EAC process in providing "cleaner air sooner". There are many examples of past air pollution reductions that likely would not have occurred without the framework provided by the EAC process. This process, which allows for the benefits of voluntary and innovative approaches, is particularly important in the case of ozone ambient air level improvements since ozone precursors are the pollutants which must be addressed.

Thank you for this opportunity to provide comments and actively participate in this very important process. If you have any questions, please feel free to call me (803) 425-4625.

Sincerely,

James P. Witkowski
Air Subcommittee Chair
Environmental Technical Committee
South Carolina Chamber of Commerce

cc: Jack Preston - SCANA
Ben Twilley - SC Chamber of Commerce
Roxie Williamson - SC Chamber of Commerce