



Catherine B. Templeton, Director

*Promoting and protecting the health of the public and the environment*

April 16, 2013

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

Re: South Carolina Air Quality Implementation Plan; 2008 8-hour Ozone Infrastructure Requirements; Partial Withdrawal

Dear Ms. Fleming:

On July 17, 2012, the South Carolina Department of Health and Environmental Control (Department) submitted to the United States Environmental Protection Agency (EPA) the South Carolina Infrastructure State Implementation Plan which certified that the Clean Air Act (CAA) Sections 110(a)(1) and (2) requirements for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) had been met and that the Department had properly public noticed our SIP amendment. This submittal formally requested that EPA acknowledge the certification as a demonstration that the South Carolina Air Quality Implementation Plan (SIP) is adequate in addressing the 2008 8-hour ozone NAAQS.

Given the DC Circuit Court's opinion in *EME Homer City Generation v. EPA* (DC Cir. 2012), there is no need for the 110(a)(2)(D)(i)(I) CAIR portion of our infrastructure SIP, because there has been no determination that South Carolina contributes to downwind nonattainment or interferes with maintenance.

Based on the DC Circuit Court's *EME Homer City* opinion, the Department is withdrawing the 110(a)(2)(D)(i)(I) portion of its 2008 8-hour ozone NAAQS Infrastructure SIP submittal. The rest of the 2008 8-hour ozone NAAQS Infrastructure SIP submittal (to include the 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii) portions) are retained as submitted. If you have any questions, please contact Myra Reece at (803) 898-4102 or [reecemc@dhec.sc.gov](mailto:reecemc@dhec.sc.gov).

Sincerely,

Elizabeth A. Dieck  
Director of Environmental Affairs

ec: Mr. Scott Davis, Chief, Air Planning Branch, EPA Region 4  
Mr. Lynorae Benjamin, Chief, Regulatory Development Section, EPA Region 4  
Mr. Jane Spann, Regulatory Development Section, EPA Region 4  
Ms. Myra C. Reece, Chief, Bureau of Air Quality, S.C. DHEC  
Ms. Rhonda Banks Thompson, Assistant Bureau Chief, Bureau of Air Quality, S.C. DHEC  
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