



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

July 2, 2015

Certified Mail, Return Receipt Requested

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Ariel Rios Bldg.
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Re: Notice of Intent to Sue under the Federal Clean Air Act for Failure to Approve or Disapprove North Carolina's PM 2.5 State Implementation Submittal, dated September 5, 2013, pursuant to Clean Air Act Section 110(k)

Dear Administrator McCarthy:

The State of North Carolina, pursuant to 42 U.S.C. § 7604(b)(2), hereby gives notice of its intent to file suit against you in your official capacity as Administrator of the United States Environmental Protection Agency ("EPA") for failing to perform a non-discretionary duty under the Clean Air Act ("CAA"). Specifically, you have failed to approve or disapprove North Carolina's PM 2.5 State Implementation Submittal ("SIP") dated September 5, 2013, pursuant to Section 110(k)(1) and (2) of the CAA.

In accordance with the citizen suit provision of the CAA, 42 U.S.C. § 7604(a)(2), the State of North Carolina hereby provides notice of intent to sue seeking injunctive and declaratory relief to enforce the nondiscretionary duties described in this letter.

As required by 40 C.F.R. 54.3, the person providing this notice is:

N.C. Department of Environment and Natural Resources
1601 Mail Service Center, Raleigh, NC 27699-1601

Please feel free to contact the undersigned counsel should you have any questions or concerns regarding this communication.

Sincerely,

Sam M. Hayes
General Counsel



OFFICE OF THE SECRETARY
NORTH CAROLINA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES
1601 MAIL SERVICE CENTER
RALEIGH, NORTH CAROLINA 27699-1601

CERTIFIED



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**RETURN RECEIPT
REQUESTED**

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Washington, DC 20460



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