



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

November 13, 2015

Certified Mail, Return Receipt Requested

Gina McCarthy, Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Re: Notice of Intent to Sue for Failure to Perform a Non-Discretionary Duty under the Federal Clean Air Act

Dear Administrator McCarthy:

In accordance with the citizen suit provision of the federal Clean Air Act ("CAA"), 42 U.S.C. § 7604, the North Carolina Department of Environmental Quality ("NCDEQ") 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 failure to perform a non-discretionary duty under the CAA.

In December of 2013, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont petitioned the EPA under 42 U.S.C. § 7506a for the addition of nine States, including North Carolina, to the Ozone Transport Region established pursuant to 42 U.S.C. § 7511c. Pursuant to 42 U.S.C. § 7506a(a), "[t]he Administrator shall approve or disapprove any such petition . . . within 18 months of its receipt." To date, the EPA has failed to approve or disapprove the December 2013 petition and, as such, has failed to perform a non-discretionary duty under the CAA. Accordingly, NCDEQ seeks to compel EPA action with respect to the petition.

As required by 40 C.F.R. 54.3, the full name and address of the person giving this notice is as follows:

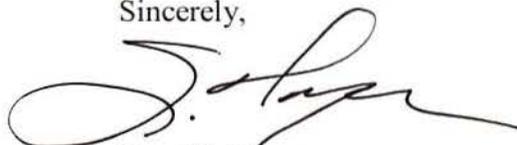
North Carolina Department of Environmental Quality  
1601 Mail Service Center  
Raleigh, NC 27699-1601



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

Sincerely,

A handwritten signature in black ink, appearing to read "S. Hayes", with a large, stylized initial "S" and a long, sweeping horizontal stroke extending to the right.

Sam M. Hayes  
General Counsel

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



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*[Handwritten signature]*

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Gina McCarthy, Administrator  
US EPA  
Ariel Rios Building  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

