



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
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February 3, 2011

Shelia C. Holman, Director
Division of Air Quality
North Carolina Department of
Environment and Natural Resources
1641 Mail Service Center
Raleigh, North Carolina 27699

Dear Ms. Holman:

Thank you for the December 22, 2010, supplement to the December 18, 2009, maintenance plan submittal for the Hickory (Catawba County), North Carolina 1997 annual fine particulate matter (PM2.5) nonattainment area. This supplement replaces the Mobile6.2 motor vehicle emissions budgets (MVEBs) with Motor Vehicle Emissions Simulator (MOVES) based MVEBs for nitrogen oxides (NOx). The justification provided in the December 18, 2009, submittal for the finding of insignificance for emissions from direct PM2.5 from mobile sources in the 1997 annual PM2.5 Hickory, North Carolina nonattainment area still applies.

Pursuant to Sections 93.118(e)(4) and 93.109(m) of the Transportation Conformity Rule (40 CFR Part 93, Subpart A), the U.S. Environmental Protection Agency (EPA) has reviewed North Carolina's maintenance plan submittal and supplemental information with the MOVES NOx MVEBs in the Hickory area. Section 93.109(m) states that a regional emissions analysis is no longer necessary if EPA finds through the adequacy or approval process that a State Implementation Plan (SIP) demonstrates that regional motor vehicle emissions are an insignificant contributor to the air quality problem for that pollutant/precursor. A finding of insignificance does not change the requirement for a regional analysis for other pollutants and precursors and does not change the requirement for hot spot analysis. We have determined that the maintenance plan and supplement with the MOVES based NOx MVEBs for the Hickory, North Carolina area are adequate for transportation conformity purposes.

The Hickory, North Carolina 1997 PM2.5 maintenance plan supplement has 2011 and 2021 MOVES based MVEBs for NOx. The MVEBs are presented in the table below.

Hickory (Catawba County), North Carolina Annual PM2.5 MVEBS
[kilograms/year]

Table with 3 columns: Catawba County MVEBs, 2011, 2021. Row 1: NOx, 3,996,601, 2,236,028

These MVEBs meet the standard requirement that any MVEBs must meet before it can be used to determine conformity for a transportation improvement program or long range

transportation plan. This adequacy finding does not relate to the merits of the SIP submittal nor does it indicate whether the submittal meets the requirements for approval.

EPA opened a comment period on the adequacy of the NO_x MVEBs contained in the Hickory, North Carolina PM_{2.5} maintenance plan supplement by posting it on our website on November 23, 2010 (See www.epa.gov/otaq/transp/conform/adequacy.htm). The comment period closed on December 23, 2010. No comments were received during EPA's adequacy comment period.

More information on SIPs and adequacy reviews is available on the EPA web site. EPA will soon publish a notice in the Federal Register announcing this adequacy finding. The Federal Register will also announce the date that the adequacy finding becomes effective. The 2011 and 2021 NO_x MVEBs will be available for use on the effective date.

EPA has considered these MVEBs and insignificance finding in light of the current status of the Clean Air Interstate Rule (CAIR). The District of Columbia (D.C.) Circuit Court issued a decision on July 11, 2008, vacating CAIR. North Carolina v. EPA, 531 F.3d 896 (D.C. Cir. 2008). On September 24, 2008, EPA and other parties in the case filed motion for rehearing asking the D.C. Circuit to reconsider its decision in the case. On December 23, 2008, the court granted EPA's motion for rehearing and remanded CAIR to EPA for further rulemaking consistent with the courts' July 11, 2008 opinion. However, the court did not vacate CAIR in that decision; thus, the CAIR rule remains in place.

On August 2, 2010 (75 FR 45210), EPA proposed the Air Pollution Transport Rule (Transport Rule) as a replacement for the remanded CAIR rule. EPA anticipates finalizing the Transport Rule in June 2011. EPA has reviewed these MVEBs and insignificance finding in light of the remand of the CAIR rule and the proposed Transport Rule and has concluded that the budgets meet the conformity rule's adequacy criteria found at 40 CFR 93.118(e)(4) and 93.109(m), respectively. In particular, EPA has concluded that the budgets satisfy the requirements of 40 CFR 93.118(e)(4)(iv), which requires that the budget(s), when considered together with all other emissions sources, is consistent with applicable requirements for, reasonable further progress, attainment or maintenance (whichever is relevant to the given implementation plan submission). EPA bases this conclusion on the overall emissions from all sources in the nonattainment area, the low percentage of mobile source emissions contributing to the total emissions in the area, and the current state of air quality.

If you have any questions, please feel free to call Richard A. Schutt of the EPA Region 4 staff at (404) 562-9033 or myself at (404) 562-9326.

Sincerely,



Beverly H. Banister
Director
Air, Pesticides, and Toxics
Management Division