

State of South Carolina
Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENNINGTON ST.
COLUMBIA, SC 29201

January 25, 2011

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 Recommendations for Nitrogen Dioxide (NO₂) Boundary Designations

Dear Ms. Fleming:

I am writing this letter in response to the United States Environmental Protection Agency's (EPA) request to submit boundary recommendations for the revised 1-hour primary National Ambient Air Quality Standard (NAAQS) for Nitrogen Dioxide established by the EPA via 75 *Federal Register* 6474, February 9, 2010.

Section 107(d)(1) provides that, "By such date as the Administrator may reasonably require, but not later than 1 year after promulgation of a new or revised NAAQS for any pollutant under section 109, the Governor of each State shall * * * submit to the Administrator a list of all areas (or portions thereof) in the State" that should be designated as nonattainment, attainment, or unclassifiable for the new NAAQS....Accordingly, Governors must submit their initial NO₂ designation recommendations to EPA no later than January [25]¹ 2011 (75 FR 6520).

Given the text of the final rule and the deployment of a new NO₂ near-road monitoring network, the EPA discusses the issue of boundary recommendations specifically:

A near-roadway monitoring network is not expected to be fully deployed until January 2013 therefore, EPA must proceed with initial designations using air quality data from the existing NO₂ monitoring network. Because none of the current NO₂ monitors are sited to measure near-roadway ambient air, we expect that most areas in the country with current NO₂ monitors will not violate the new NO₂ NAAQS (75 FR 6521).

¹ Date included in November 12, 2010, letter from EPA Region 4 Administrator to Governor requesting submission of NO₂ Recommendations.

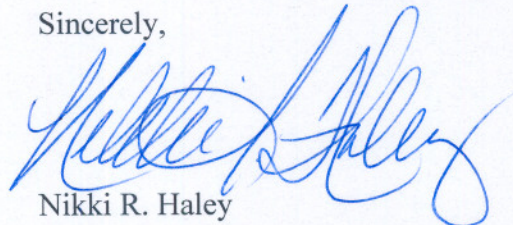
In fact, according to the EPA's website², there are currently no areas in the U.S. that are designated as nonattainment for the NO₂ NAAQS. To be sure, after a review of the most recent quality-assured air quality data from the current monitoring network by the staff of the South Carolina Department of Health and Environmental Control, I am pleased to report that our state is in full compliance with the 1-hour primary NAAQS for NO₂.

With regard to the planned near-road NO₂ monitoring network, South Carolina would like to again³ take this opportunity to express its concern. South Carolina, as well as many other states, has fallen upon hard economic times and funding for the essential services that are provided for its citizens is dwindling. The proposed NO₂ monitoring network will require adding new monitors or replacing ones already in place that may be serving a specific need or priority for our state. The siting requirements for these monitors and the cost to service these monitors will likely lead to further cuts in monitoring of other critical pollutants in order to establish a monitoring network that the EPA has not fully justified.

Based on the aforementioned NO₂ monitoring information, and the myriad of concerns expressed by its own Clean Air Scientific Advisory Committee (CASAC)⁴, it would seem prudent for the EPA to postpone the implementation of the new NO₂ monitoring network. However, should postponement of the network not be an option, at the very least, I am again recommending that the entire State of South Carolina be designated as "attainment" for the 1-hour primary NAAQS for NO₂ until such time as certified data demonstrates otherwise.

Should you have any questions regarding our recommendation, please contact Myra Reece, Chief, Bureau of Air Quality, SC Department of Health and Environmental Control, at (803) 898-4123 or by email at reecemc@dhec.sc.gov.

Sincerely,



Nikki R. Haley

NH/mw

cc: C. Earl Hunter, Commissioner, SCDHEC
Robert W. King, Jr., P. E. Deputy Commissioner, SCDHEC, EQC
Myra C. Reece, Chief, SCDHEC, BAQ

² <http://www.epa.gov/airquality/greenbook/nindex.html>, Accessed November 30, 2010.

³ September 9, 2009, DHEC letter, Docket ID No. EPA-HQ-OAR-2006-0922-0378.1

⁴ Statements made during the August 10, 2009, CASAC Oxides of Nitrogen Primary NAAQS Panel Teleconference to Provide Comments Concerning EPA's Proposed Rule on the NO₂ NAAQS, <http://yosemite.epa.gov/sab/sabproduct.nsf/MeetingCal/FBC637D2C1B97500852575EF005DBBA9?OpenDocument>, Accessed November 30, 2010.