



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

AUG 13 2020

The Honorable Roy Cooper
Governor of North Carolina
116 W. Jones St.
Raleigh, North Carolina 27603-8001

Dear Governor Cooper:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's intended designations for the remaining undesignated areas in North Carolina for the 2010 1-hour sulfur dioxide (SO₂) primary national ambient air quality standard (NAAQS). In accordance with section 107(d)(1)(B)(ii) of the Clean Air Act (CAA), the EPA is providing you with 120 days' notice before promulgating final designations for areas in North Carolina. The designations for this NAAQS are an important part of the EPA's commitment to a clean, healthy environment. The EPA's intended designations are a response to, and in consideration of, the recommendations and designations-related information your state submitted in letters dated June 2, 2011, April 29, 2020 and July 24, 2020 for the intended areas. As discussed more in this letter and the enclosed technical support document (TSD), we appreciate North Carolina's proactiveness in addressing the SO₂ attainment issues in the Haywood County Area through the development of a state implementation plan (SIP) that will make certain emission limits at the Blue Ridge Paper Products (BRPP) facility permanent and federally enforceable through the SIP.¹

In previous final actions, the EPA issued designations for the 2010 1-hour SO₂ NAAQS for most areas of the country.² To meet the requirements of a March 2, 2015, schedule ordered by the U.S. District Court for the Northern District of California, by December 31, 2020, the EPA will sign for publication in the *Federal Register*, a notice promulgating designations for all remaining areas of the country.³ We are referring to this final set of designations for the 2010 1-hour SO₂ NAAQS as "Round 4" designations. After the EPA completes these Round 4 designations, there will be no remaining undesignated areas for the 2010 1-hour SO₂ NAAQS in the United States.

¹ On June 24, 2020, North Carolina submitted a source-specific SIP revision for the BRPP facility in Haywood County requesting the EPA, adopt into the North Carolina SIP, SO₂ emission limits and compliance parameters established in the title V operating permit.

² Most areas of the U.S. were previously designated in actions published on August 5, 2013 (78 FR 47191), July 12, 2016 (81 FR 45039), December 13, 2016 (81 FR 89870), December 21, 2017 (83 FR 1098) and March 28, 2018 (83 FR 14597). The EPA is not reopening these previous designation actions in this current Round 4 of designations under the 2010 SO₂ NAAQS, except where specifically discussed.

³ *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

After carefully considering North Carolina’s recommendations and all available information, particularly (but not limited to) the most recent (2017-2019) air monitoring data, the EPA intends to designate the following areas in North Carolina as shown in the table below. The enclosures to this letter provide the technical information that supports the EPA’s intended designation decisions for these areas in North Carolina.⁴ For Buncombe and Person Counties, our intended designation is consistent with your recommendation.

Areas	Included Counties	Township	The EPA’s Intended Designation
Haywood County	Haywood County(p)*	Beaverdam	Nonattainment
Buncombe County	Buncombe County(p)	Limestone	Attainment/Unclassifiable
Person County	Person County(p)	Cunningham	Attainment/Unclassifiable

(p) indicates portion of county

An asterisk (*) indicates that the EPA’s intended designation for Beaverdam Township in Haywood County represents a modification to the designation that you have recommended in your July 24, 2020, letter. Our intended action, which differs from your recommendation, is based on current air monitoring data showing a violation of the 2010 1-hour SO₂ NAAQS. We invite North Carolina to review the available information and further discuss this issue with the EPA to inform an appropriate final designation for the areas. The EPA is available to assist and hopes to resolve any differences regarding the appropriate designation for these areas within the 120-day period provided by the CAA.

In the case of Haywood County, the EPA has worked with your staff at North Carolina Department of Environment Quality – Division of Air Quality (DAQ) toward establishing SO₂ emission limits at BRPP that appear to provide for modeled attainment of the 2010 1-hour SO₂ NAAQS. North Carolina requests in the State’s July 24, 2020, updated recommendation letter that the EPA consider following the approach discussed in the EPA’s September 5, 2019, Round 4 Designation Guidance⁵ that supports a designation other than nonattainment for areas with violating monitors where the source impacting the monitor has recently become subject to and is complying with permanent and federally enforceable SO₂ emission limits and modeling of those limits shows attainment of the 2010 1-hour SO₂ NAAQS, but the monitored design value does not yet account for these recent emissions reductions.

On June 24, 2020, DAQ submitted a source-specific SIP revision, for parallel processing, requesting that the EPA incorporate certain SO₂ emission limits and compliance parameters at BRPP into the North Carolina SIP, thereby making the limits permanent and federally enforceable upon the EPA’s final rulemaking approving the SIP revision. The EPA signed a notice of proposed rulemaking on July 31, 2020, proposing approval of North Carolina’s June 24, 2020, source-specific SIP revision. The proposed

⁴ Enclosure 1 includes *Chapter #1: Background and History* and *Chapter #2: Designations for Areas without Violating Monitors* of the TSD. Enclosure 2 includes Chapter 7 of the TSD that addresses areas in North Carolina. The TSD is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

⁵ September 5, 2019 Guidance Memorandum entitled “Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard – Round 4” - https://www.epa.gov/sites/production/files/2019-09/documents/round_4_so2_designations_memo_09-05-2019_final.pdf

approval will have a 30-day public comment period, after which the EPA will assess any new information before taking final action on the SIP. The outcome of the EPA's source-specific SIP approval process will not prejudice the outcome of the EPA's separate 2010 1-hour SO₂ NAAQS designations process.

The enclosed TSD addresses the EPA's September 5, 2019, Round 4 Designation Guidance discussion that if certain SO₂ emission limits, supported by modeling demonstrating attainment of the 2010 1-hour SO₂ NAAQS, are permanent and federally enforceable before the EPA finalizes the Round 4 designations, the EPA may consider a designation other than nonattainment for an area with a violating monitor. Although presently it is the EPA's intent to designate a portion of Haywood County nonattainment based on 2017-2019 ambient air monitoring data violating the 2010 1-hour SO₂ NAAQS, the EPA may be able to use final permanent and federally enforceable permit limits and other supporting information to make a determination that North Carolina's modeling of the SO₂ emission limits at BRPP is more representative of the current air quality conditions in the Area than is the 2017-2019 3-year ambient air design value. The EPA will make that determination when it issues the final area designation for Haywood County.

The EPA will publish a notice in the *Federal Register* announcing a 30-day public comment period for the interested parties to provide feedback on the EPA's intended designations. States will have additional time beyond the public comment period to respond to public comments, if necessary, and/or provide additional information. If you or your staff have additional information that the EPA should review and consider prior to promulgating final designations, please submit it as soon as possible but no later than October 16, 2020. You may submit additional information to the EPA's public docket for these designations, Docket# EPA-HQ-OAR-2020-0037, located at www.regulations.gov. Please also send an electronic copy to the EPA Region 4 staff member whose contact information I have included below.

Thank you for North Carolina's efforts to provide cleaner air for the citizens in your state. We look forward to a continued dialogue with you and your staff as we work together to complete the area designations and implement the 2010 1-hour SO₂ NAAQS. For additional information regarding designations under the 2010 1-hour SO₂ NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to call me, or have your staff contact Mr. Gregg M. Worley at worley.gregg@epa.gov or at (404) 562-9141.

Sincerely,



Mary S. Walker
Regional Administrator

Enclosures

cc: Michael S. Regan, Secretary
North Carolina Department of Environmental Quality

Michael Abraczinskas, Director
North Carolina Department of Environmental Quality - Division of Air Quality