



EPA Proposes to Redesignate Charlotte Area to Attainment for Ozone Standard

06.09.2015

On May 21, 2015, EPA proposed to approve the State of North Carolina's request to redesignate its portion of the bi-state, Charlotte-Rock Hill 8-hour ozone nonattainment area (the "Area"), to attainment for the 2008 8-hour ozone National Ambient Air Quality Standards ("NAAQS")(the "Proposed Rule"). A similar request was made in April by South Carolina for its portion of the Area and is currently pending at EPA.

The Proposed Rule outlines EPA's decision to recommend redesignation because (1) upon evaluation of monitoring station data from 2012-2014, the Area has attained the 2008 8-hour ozone NAAQS; (2) North Carolina has a fully approved state implementation plan (SIP)(for all requirements applicable for redesignation); (3) North Carolina has met all applicable SIP requirements for its portion of the Area; (4) the air quality improvement in the Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable federal air pollution control regulations, and other permanent and enforceable reductions; and (5) the North Carolina portion of the Area has a fully approved maintenance plan. EPA will accept comments on the Proposed Rule until June 11, 2015.

The good news for manufacturers and other sources is that the redesignation would translate to less stringent permitting requirements for new and existing sources, most notably in the area of New Source Review (NSR), with industries in the Area being regulated under the Prevention of Significant Deterioration (PSD) regulations rather than the non-attainment new source review standards. The bad news is that the Proposed Rule comes on the heels of another proposed rule from EPA, which may soon lower the 8-hour ozone standard from 75 parts per billion (ppb) to between 65 and 70 ppb, potentially causing the Area to fall back into non-attainment (the 3-year design value for 2012-2014 for the Area was 73 ppb). Where the standard may fall in the range remains to be seen, but EPA must finalize the proposed ozone standard by October 1, 2015.

Related People

- Ryan W. Trail ? 803.567.4605 ? Rtrail@williamsmullen.com

Related Services

- Environment & Natural Resources