

US EPA ARCHIVE DOCUMENT

**Congress of the United States**  
**Washington, DC 20515**

July 19, 2012

Lisa P. Jackson, Administrator  
United States Environmental Protection Agency Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue NW  
Mail Code 1101A  
Washington, DC 20460

Dear Administrator Jackson:

On April 30, 2012, the U.S. Environmental Protection Agency (EPA) designated the eastern part of York County, South Carolina "nonattainment" for the 2008 8-hour ozone National Ambient Air Quality Standard (NAAQS). The EPA included this portion of York County in the Charlotte-Gastonia-Salisbury, NC-SC (Charlotte) nonattainment area based on their belief that this part of York County contributed to the ozone violations in Charlotte. We respectfully request that the EPA reconsider this decision.

In its package submitted on February 29, 2012, the Department of Health and Environmental Control (DHEC) concluded that York County is not a significant contributor to Charlotte's nonattainment. Current data continues to show that ozone concentrations at the York monitor, and across South Carolina, have been trending downward over the past decade. The 2011 ozone design value at the York monitor is well below the standard, at 0.064 parts per million. Furthermore, supporting documentation submitted by the Department shows that emissions from this portion of York County do not contribute to ozone concentrations in the Charlotte region. A back trajectory modeling analysis indicates that emissions from Charlotte, not emissions from eastern York County, are impacting the Charlotte area monitors. The EPA should strongly consider this scientific evidence when making this important determination. The evidence does not support adding York County to the Charlotte nonattainment area. Furthermore, this designation decision is based on an inconsistent application of the factors used to determine designations. The EPA should consistently apply its rationale for this and any future decision.

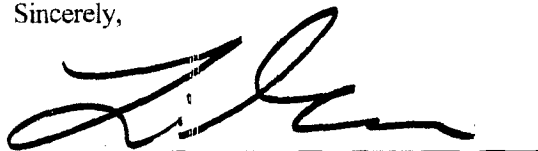
The Department and York County stakeholders are already taking a proactive approach to air quality management. As demonstrated in the past when previously faced with possible nonattainment status, South Carolina stakeholders created "Clean Air Coalitions" that continue to focus on multi-pollutant strategies to reduce ozone, particulate matter, air toxics concentrations. These coalitions have improved air quality and have had a positive impact on public health and the environment. The proposed EPA designation for violations not present in York County may discourage future stakeholder involvement.

A nonattainment designation would not bring significant environmental benefits. A nonattainment designation for the 2008 ozone NAAQS would not require any further review, controls, or implementation of emission reductions in York County. There are no significant environmental benefits associated with the EPA's action, only paperwork requirements that would continue the burdensome SIP process in York County. Most importantly, a nonattainment designation would have unnecessary economic impacts. As President Obama noted in Executive Order 13563, federal agencies should consider the costs and benefits of regulations. The Department has shown that this action would have negligible benefits, and it would have significant economic impacts. Nonattainment designations generally deter economic development, and the EPA should not sacrifice South Carolina jobs.

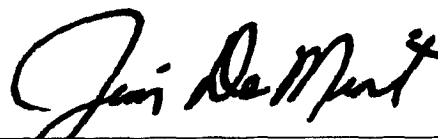
We encourage EPA to make decisions based on the best available science. The designation process for the 2008 ozone NAAQS presents EPA and the states with an opportunity to work together to allow a common sense approach that adequately addresses air quality using the most recent air quality data. This is especially important given the fact that EPA is expected to release a revised ozone NAAQS in 2013. Setting this precedent now will pay dividends in the future.

We are concerned about the direction it appears that the EPA is taking and we are equally concerned that this nonattainment designation will disproportionately harm South Carolina's economy without guaranteeing effective improvements in air quality. It is for these reasons, on behalf of our constituents, we urge the EPA to carefully reconsider this designation and commit to continued discussion with stakeholders to evaluate a more appropriate and consistent outcome.

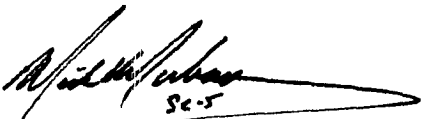
Sincerely,



Lindsey Graham  
United States Senator



Jim DeMint  
United States Senator



Mick Mulvaney  
Member of Congress

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