

INTRODUCTION

This document contains factual and technical data in support of the Environmental Protection Agency's (EPA) intended designations. Additional supporting information is contained in EPA's December 3, 2003, response letters to States. On December 4, 2003, EPA sent the response letters to the States that submitted letters of recommendations. EPA's responses address where EPA agreed with the submitted recommendations and also in cases where EPA made modifications to the States' recommendations as authorized under the Clean Air Act (CAA).

Chapter 1 of this document is a table of EPA's intended nonattainment designated counties, showing EPA's intended designation, the State recommendation, and design values. County names are arranged in alphabetic order by State, then area. Chapter 2 contains the same information as Chapter 1 arranged by EPA Regional office, by State, then area. The rationale supporting EPA's intended nonattainment counties is presented in Chapter 3 of this document. This includes the key justification, emissions, population, miles traveled within the areas and other information used to support EPA's responses. Chapter 4 identifies counties within areas that are excluded from EPA's list of intended nonattainment counties. Chapter 5 contains additional supporting documentation for areas in EPA Regions, II, III, and V.

BACKGROUND

On July 18, 1997, EPA promulgated a revised standard for ozone of 0.08 parts per million (ppm), measured over an 8-hour period. Generally the 8-hour standard is more protective of public health and more stringent than the 1-hour ozone standard. At the time of promulgating the 8-hour standard, EPA indicated that it would implement the 8-hour ozone National Ambient Air Quality Standard (NAAQS) under the less detailed requirements of subpart 1 of part D of title I of the Clean Air Act (CAA) rather than the more detailed requirements of subpart 2. Various industry groups and States challenged EPA's final rule promulgating the ozone NAAQS in the U.S. Court of Appeals for the District of Columbia Circuit. In February 2001, the Supreme Court held that EPA's action in setting the NAAQS was not an unconstitutional delegation of authority while remanding the implementation strategy to EPA to develop a reasonable approach for implementation. EPA issued a proposed rule on implementation of the 8-hour ozone NAAQS on June 2, 2003 (68 FR 32802).

On March 28, 2000 and July 18, 2000, the EPA issued guidance on the 8-Hour Ozone Designation process for States and Tribes, respectively, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards". Area designations to attainment/unclassifiable or nonattainment are required after promulgation of a new or revised NAAQS. As described above, the EPA promulgated the 8-hour ozone NAAQS in July 1997 and was therefore obligated to designate all areas by July 2000 (3 years later) as established by the CAA and the Transportation Equity Act for the 21 Century (TEA-21). The earlier DC Circuit court noted that EPA is required to designate areas for any new or revised NAAQS in accordance with Section 107(d)(1) of the CAA. This section of the CAA provides each State Governor and Tribes (upon promulgation of the Tribal Authority Rule) an opportunity to recommend attainment/unclassifiable or nonattainment designations including appropriate

boundaries to EPA and for EPA to make modifications to these designations and boundaries as it deems necessary. State and tribal recommendations were made according to this schedule in June 2000; however, due to the continued litigation of 8-hour ozone NAAQS, no formal designations were made by EPA at that time. Thus, with the final Supreme Court ruling in 2001, the designation process was restarted.

Section 107 (d) of the Clean Air Act defines a nonattainment area as “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.” On March 28, 2000, the EPA issued guidance for determining the extent and boundaries of nonattainment areas. This guidance is included in Appendix A to this document. On December 18, 2002, EPA requested each State Governor and Tribes to submit their designation recommendations and supporting documentation to the appropriate EPA Regional Office, by July 15, 2003. On March 14, 2003, EPA entered into an agreement with interested parties to promulgate designations by April 15, 2004.

As stated above, in accordance with the CAA, EPA carefully reviewed the State and Tribal recommended designations and accompanying documentation determining where modifications need to be made as deemed necessary in light of the CAA definition of nonattainment. On December 4, 2003, EPA notified States and Tribes of EPA’s intent to modify their recommendations. The EPA continues to work with States and Tribes to ensure that area designations for ozone will occur in 2004. Specifically, final ozone designations will be promulgated by April 15, 2004.