

Technical Support for State and Tribal Air Quality Designations and Classifications

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Ozone Policy and Strategies Group
Research Triangle Park, NC 27711

For information on this document, please contact Ms. Annie Nikbakht at (919) 541-5246

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1.0 INTRODUCTION

This document contains factual and technical data in support of the Environmental Protection Agency's (EPA) designations and classifications. Additional supporting information is contained in EPA's December 3, 2003, response letters to States and the follow-up document "Technical Support for Modifications to State Air Quality Designation Recommendations, December 2003. The December 4, 2003 letters and the follow-up technical document address where EPA agreed with the submitted recommendations and the cases where EPA made modifications to the States' and Tribes' recommendations as authorized under the Clean Air Act (CAA).

Chapter 2 of this document is a table of EPA's nonattainment designated counties, showing EPA's designation, classification, and design values. County names are arranged in alphabetical order by State, then area. The justification supporting EPA's nonattainment counties is presented in Chapter 3 of this document. The justification for county or area also includes Indian Country. Chapter 3 includes the key justification, emissions, population, miles traveled within the areas and other information used to support EPA's responses. Chapter 4 includes classifications of nonattainment counties and information on air quality. Chapter 5 contains a ranking of nonattainment counties. Chapter 6 contains maps, wind roses, and other documentation to support EPA's designations. Chapter 7 contains evaluations of Early Action Compact (EAC) Local Plans to meet first milestones, March 31, 2004.

In this document we are providing justification for EPA's decision regarding attainment/nonattainment status of counties participating in EAC areas that are subject to the 8-hour ozone standard. Related information is included in "Responses to Comments on EPA's Designation and Classification of Areas for the 8-Hour Ozone National Ambient Air Quality Standard", April 15, 2004. Docket Number OAR-2003-0083.

EPA examined all counties in the United States. Some counties are located in or near an urbanized area and some are not close to an urbanized area but none are monitoring a violation of the 8-hour ozone standard. EPA is designating these counties as unclassifiable/attainment. Other counties are adjacent to urbanized areas that are recording a violation of the 8-hour ozone standard. Counties that are adjacent to urbanized areas in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee listed in Appendix A do not have monitored air quality violations of the 8-hour ozone standard. Further, EPA's analysis of the 11 factors in our guidance indicates that based on emissions levels, population and vehicle miles traveled, these counties do not contribute to violations at a nearby monitor. EPA, therefore, concludes that these counties should be designated as unclassifiable/attainment. Our rationale for designating counties in other States as attainment that are adjacent to urbanized areas with a violating monitor is contained elsewhere in this document.

1.1 Background

The CAA establishes a process for air quality management through the NAAQS. Area designations are required after promulgation of a new or revised NAAQS. In 1979, we promulgated the 0.12 ppm 1-hour ozone standard, (44 FR 8202, February 8, 1979). On July 18, 1997, we promulgated an ozone standard of 0.08 ppm, measured over an 8-hour period, i.e., the 8-hour standard (62 FR 38856). In general, the 8-hour standard is more protective of public health and more stringent than the 1-hour standard, and there are more areas that do not meet the 8-hour standard than there are areas that do not meet the 1-hour standard. The CAA and the Transportation Equity Act for the 21 Century (TEA-21) required EPA to designate all areas by July 2000.¹ The NAAQS rule was challenged and in May 1999, the U.S. Court of Appeals for the D.C. Circuit issued a decision remanding, but not vacating, the 8-hour ozone standard. The court noted that EPA is required to designate areas for any new or revised NAAQS in accordance with the CAA and addressed a number of other issues, which are not related to designations. American Trucking Assoc. v. EPA, 175 F.3d 1027, 1047-48, on rehearing 195 F.3d 4 (D.C. Cir. 1999). We sought review of the two aspects of that decision in the U.S. Supreme Court. In February 2001, the Supreme Court upheld our authority to set the NAAQS and remanded the case back to the D.C. Circuit for disposition of issues the Court did not address in its initial decision. Whitman v. American Trucking Assoc., 121 S.Ct. 903, 911-914, 916-919 (2001) (Whitman). In March 2002, the D.C. Circuit rejected all remaining challenges to the 8-hour ozone standard. American Trucking Assoc. v. EPA, 283 F.3d 355 (D.C. Cir. 2002) (ATA III).

The process for designations following promulgation of a NAAQS is contained in §107(d)(1) of the CAA. For the 8-hour NAAQS, TEA-21 extended by one year the time for EPA to designate areas for the 8-hour NAAQS. Thus, EPA was required to designate areas for the 8-hour NAAQS by July 2000. However, HR3645(EPA's appropriation bill in 2000) restricted EPA's authority to spend money to designate areas until June 2001 or the date of the Supreme Court ruling on the standard, whichever came first. In 2003, several environmental groups filed suit in district court claiming EPA had not met its statutory obligation to designate areas for the 8-hour NAAQS. We entered into a consent decree, which requires EPA to issue the designations by April 15, 2004.

1.2 Correspondence with States and Tribes

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. In July 2000, EPA sent a letter to the Tribes containing guidance on 8-Hour ozone designations. 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.

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 responded to States and Tribes recommendations notifying them where EPA agreed or disagreed with their recommendations. Following the EPA December letters, some States and Tribes submitted follow-up data to support their original recommendations. EPA has carefully reviewed all of the requests and the data submitted throughout the designations process. This document contains the technical information and rationale supporting EPA's decisions to designate and classify areas for the 8-hour ozone NAAQS.