ENVIRONMENTAL PROTECTION AGENCY REGION II
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DIV. ENV. PLNG. & PROT.

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JAMES E. MCGREEVEY
Governor

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cc: Mugdan
Dwack
Bellow
APB
RON

June 24, 2003

Jane M. Kenny
Regional Administrator
United States Environmental Protection Agency, Region II
290 Broadway - 26th Floor
New York, New York 10007-7866

Dear Regional Administrator Kenny,

I am writing to respond to your December 9, 2002 letter, regarding non-attainment areas under the USEPA's National Ambient Air Quality Standard (NAAQS) for ozone (eight-hour average). As you requested, this letter sets forth New Jersey's recommendations for areas to be designated as non-attainment.

Under the Clean Air Act, a non-attainment area is an area that either does not meet the NAAQS, or that significantly contributes to ambient air quality in a nearby area that does not meet the NAAQS. The entire State of New Jersey is not attaining the 8-hour ozone standard. Every ozone monitor in the State, including those on our borders, shows that the standard is being exceeded.

I recommend that New Jersey be divided between two multi-state nonattainment areas: one area associated with New York City and Connecticut, and the other associated with the broader Philadelphia, Pennsylvania, and Delaware areas. Specifically, I recommend that Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren counties be included in the Northern New Jersey – New York City – Connecticut non-attainment area, and that Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem counties be included in the Philadelphia – Southern and Central New Jersey – Delaware non-attainment area. Figure 1 depicts the New Jersey portion of the two multi-state non-attainment areas.

Instead of grouping counties automatically by Consolidated Metropolitan Statistical Area (CMSA), this approach groups counties exceeding the NAAQS with nearby counties contributing to that exceedance. For example, nearby upwind counties in Pennsylvania and Delaware contribute to air quality in Southern and Central New Jersey, while Northern New Jersey counties contribute to ozone levels in New York City and Southwestern Connecticut.

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Mercer and Ocean counties belong in the Philadelphia-Southern and Central New Jersey – Delaware nonattainment area because they are impacted by contributing emissions from that area, even though the two counties are part are of New York CMSA.

Placing downwind counties in the same non-attainment area as the nearby upwind counties that contribute to poor air quality downwind will foster collaboration among the states in their efforts to plan for and control air pollution. Conversely, failure to follow this principle can leave downwind counties "stranded" by crippling their ability to solve their air quality problem, because the upwind counties contributing to the problem have no role in its solution. For that reason, when the non-attainment areas cross state borders, it is essential that the USEPA coordinate the development of recommendations from the affected states, and that the USEPA review, assess, and, as appropriate, revise state recommendations to foster useful collaboration among the states.

I therefore ask that the USEPA define the Philadelphia/Southern and Central New Jersey/Delaware non-attainment area to exclude Cecil County, Maryland. Attainment in Cecil County will depend largely on efforts to reduce emissions in the Baltimore-Washington and Northern Virginia area. Also, Cecil County does not contribute significantly to the elevated ozone levels in the Philadelphia/Southern and Central New Jersey/Delaware non-attainment area, nor do other counties in that area contribute to elevated ozone levels in Cecil County.

I also ask that the USEPA broaden the Philadelphia/Southern and Central New Jersey/Delaware non-attainment area to include York, Lancaster, Lehigh and Berks counties in Pennsylvania and Kent, and Sussex counties in Delaware. These counties contribute to elevated ozone levels in Southern and Central New Jersey comparably to other counties that have traditionally been included in the area.

I hope that you will find our recommendations and suggestions to be constructive and look forward to working with you on this issue.

With all good wishes,

James E. McGreevey

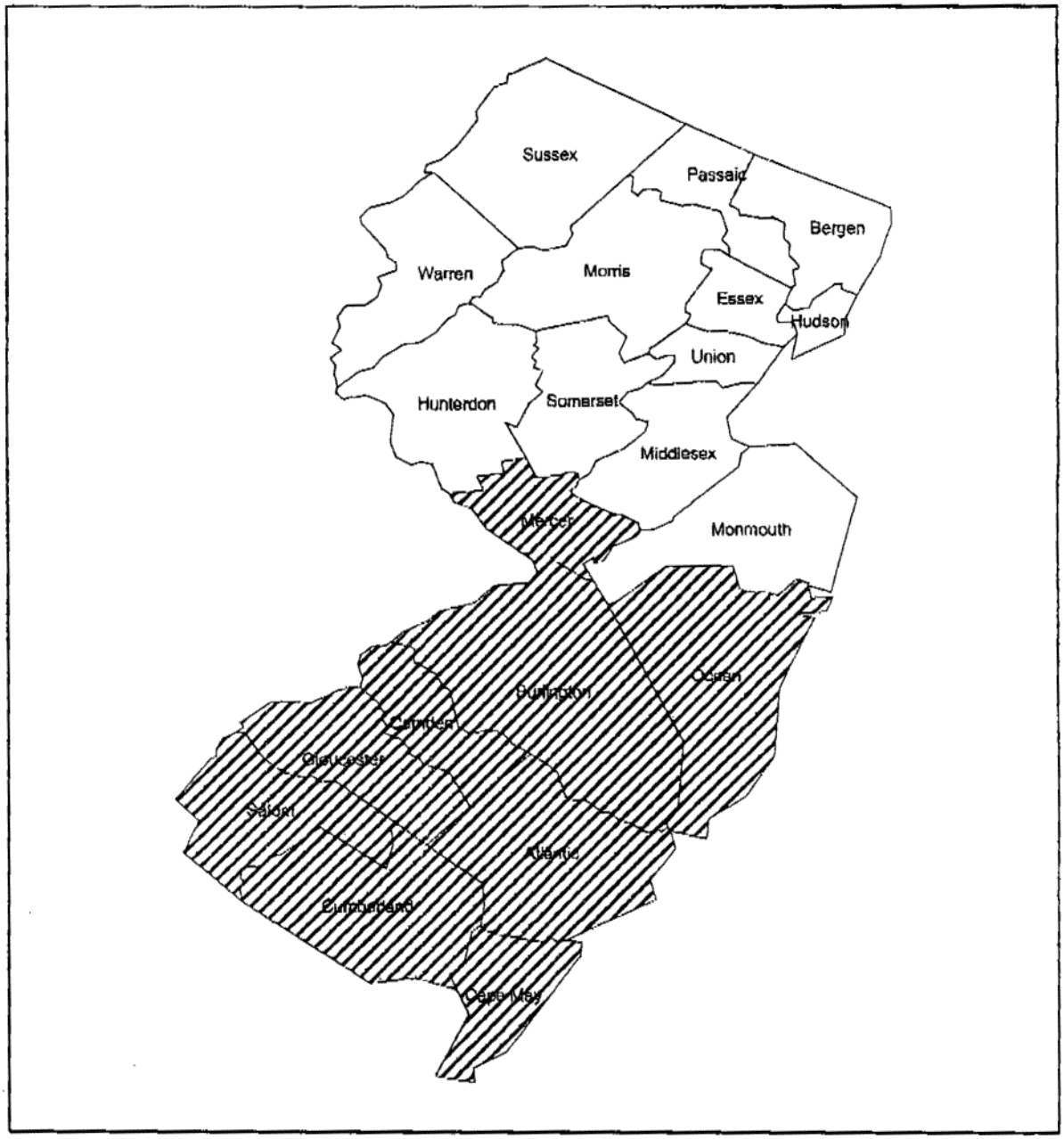
Enclosure

c: Commissioner Campbell, NJDEP
Commissioner Lettiere, NJDOT
Honorable Ruth Ann Minner, Governor State of Delaware
Honorable Robert L. Ehrlich, Jr., Governor State of Maryland
Honorable Edward G. Rendell, Governor State of Pennsylvania

bcc: Sam Wolfe
Bill O'Sullivan
Don Patterson
Chris Salmi
Bob Stern
Ray Papalski
Howard Geduldig

Figure 1

Recommended New Jersey Eight-Hour Ozone Health Standard Non-Attainment Boundaries



Recommended Area

The New Jersey Portion of a Northern New Jersey - New York City - Southwestern Connecticut Non-Attainment Area

The New Jersey Portion of a Philadelphia - Southern and Central New Jersey - Delaware Non-Attainment Area