UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 3 2003

The Honorable Bob Wise
Governor of West Virginia
1900 Kanawha Boulevard East
Charleston, West Virginia 25305

Dear Governor Wise:

Thank you for making recommendations on 8-hour ozone air quality designations. Your letter is an important step in providing the citizens of West Virginia with information on air pollution levels where they live and work. Levels of ground-level ozone, a major constituent of smog, have improved significantly since the Clean Air Act (CAA) was amended in 1990, at which time 135 areas were designated as not attaining the 1-hour ozone standard. Since that time nearly half those areas (67) have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard. However, many areas have still not met the less stringent 1-hour ozone standard and, in 1997, the United States Environmental Protection Agency (EPA) promulgated a more stringent 8-hour ozone national ambient air quality standard. Thus, much work remains to be done. Under the CAA, EPA is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, after several public interest groups filed a lawsuit claiming EPA had not met the statutory deadline for designating areas for the 8-hour ozone standard, we entered into a consent decree that requires us to promulgate designations by April 15, 2004.

We have reviewed your letter dated July 14, 2003 submitting West Virginia's recommendations on air quality designations for the 8-hour ozone standard. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based upon the information contained in your letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to West Virginia's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations. To advance the designation and classification process, please submit by December 30, 2003 your final 2003 monitoring data into the Air Quality System and, in addition, submit it by the above date to Judith M. Katz, Director, Air Protection Division, by official letter so that we can place it in the docket for the designations rulemaking.

The CAA 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. EPA guidance indicates that West Virginia should use the larger of the Consolidated Metropolitan Statistical Area, Metropolitan Statistical Area, or

the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides criteria factors that West Virginia should consider in determining whether to modify the presumptive boundaries. We have reviewed your supporting information to either expand or contract the presumptive nonattainment area.

In addition to updating the other supporting data for the relevant factors (e.g., 1999 emissions inventory, 2002 census data), EPA has been tracking 2003 ozone monitoring data and their impact on areas' preliminary 2001-2003 design values. Where the updated information, including the preliminary 2001-2003 ozone monitoring data, indicate that an area's attainment status will differ from West Virginia's recommendation based on earlier data, including 2000-2002 monitoring data, EPA indicates the potential modification to the designation recommendation in the enclosure. Additionally, the EPA will continue to quality-assure all the relevant data to determine if it might affect the State's recommended designations. It is important for West Virginia to expedite submittal of 2003 ozone air quality data because it, along with the other data for the relevant factors, is critical to the designation and classification process.

The enclosure to this letter provides a table in which EPA identifies the West Virginia counties that are being identified as nonattainment. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe that our modifications are consistent with the statutory definition of a nonattainment area in light of the relevant factors provided in our guidance.

We look forward to a continued dialogue with West Virginia as we work to finalize the designations for the 8-hour ozone standard. As you know, the job of improving ozone air quality is a difficult one and we appreciate your continued efforts to work with us toward this goal. We will review any supporting information that West Virginia wishes to submit to EPA by February 6, 2004 on these recommendations. If you have any questions, please do not hesitate to contact me or have your staff contact Judith M. Katz, Director, Air Protection Division, at 215-814-2654.

Sincerely,

Donald S. Welsh

Donald S. Welsh
Regional Administrator

Enclosures

cc (w/enclosures):
The Honorable Stephanie Timmermeyer, Secretary, WVDEP
John A. Benedict, Director, WVDEP
John Lyons, Director, Kentucky Dept. for Environmental Protection, Division for Air Quality

Enclosure 1

The following table identifies the individual areas within West Virginia and counties comprising those areas that Environmental Protection Agency (EPA) intends to designate as nonattainment. These are consistent with West Virginia's recommendations of July 14, 2003. EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

Area	**West Virginia Recommended Nonattainment Counties**	**EPA Recommended Nonattainment Counties**
Charleston, WV	Kanawha County Putnam County	Kanawha County Putnam County
Huntington-Ashland-Ironton, KY-OH-WV	Cabell County Wayne County	Cabell County Wayne County
Parkersburg-Marietta, OH-WV	Wood County	Wood County
Steubenville-Weirton, OH-WV	Brooke County Hancock County	Brooke County Hancock County
Wheeling, OH-WV	Marshall County Ohio County	Marshall County Ohio County
Berkeley & Jefferson, WV		Berkeley County Jefferson County

Enclosure 2

EPA Nonattainment Areas in West Virginia

West Virginia portion of the Huntington-Ashland Area

West Virginia recommended Cabell County and Wayne County to be part of the Huntington-Ashland nonattainment area. EPA is not modifying the West Virginia recommendation for the Huntington-Ashland area. The entire Huntington-Ashland nonattainment area consists of Cabell County and Wayne County, West Virginia, Boyd County, Kentucky and Lawrence County, Ohio.

West Virginia portion of Parkersburg-Marietta Area

West Virginia recommended Wood County to be part of the Parkersburg-Marietta nonattainment area. EPA is not modifying the West Virginia recommendation for the Parkersburg-Marietta area. The entire Parkersburg-Marietta nonattainment area consists of Wood County, West Virginia and Washington County, Ohio.

West Virginia portion of the Steubenville-Weirton Area

West Virginia recommended Brooke County and Hancock County to be part of the Steubenville-Weirton nonattainment area. EPA is not modifying the West Virginia recommendation for the Steubenville-Weirton area. The entire Steubenville-Weirton nonattainment area consists of Brooke County and Hancock, West Virginia and Jefferson County, Ohio.

West Virginia portion of the Wheeling WV-OH Area

West Virginia recommended Marshall County and Ohio County to be part of the Wheeling nonattainment area. EPA is not modifying the West Virginia recommendation for the Wheeling nonattainment area. The entire Wheeling nonattainment area consists of Marshall County and Ohio County, West Virginia and Belmont County, Ohio.

Berkeley and Jefferson Area

West Virginia recommended Berkeley County and Jefferson County as an attainment and Early Action Compact (EAC) Area separate from the Washington-Baltimore Consolidated Metropolitan Statistical Area (CMSA). EPA is modifying the West Virginia recommendation by designating Berkeley and Jefferson counties as a nonattainment area. Berkeley and Jefferson counties are an EAC area. As an EAC area, Berkeley and Jefferson counties' nonattainment designation would be deferred. If EAC milestones or requirements were not met and the nonattainment designation is implemented, EPA would require Berkeley and Jefferson counties to be classified at the same classification as the Washington D.C. area. In addition, EPA's analysis supports the conclusions arrived at by West Virginia with regard to the Berkeley and

Jefferson counties as a separate ozone nonattainment from the Washington-Baltimore CMSA.

The counties and areas in the Washington-Baltimore, DC-MD-VA-WV CMSA are the following: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County Maryland are part of the Baltimore area; Queen Anne's County, Maryland is part of the Kent and Queen Anne's area; Calvert County, Charles County, Frederick County, Montgomery County, and Prince Georges County, Maryland, Arlington County, Alexandria City, Fairfax County, Fairfax City, Falls Church City, Fauquier County, Loudoun County, Manassas City, Manassas Park City, and Prince Williams County, Virginia and the District of Columbia are part of the Washington D.C. Area; Stafford County, Spotsylvania County, and Fredericksburg City, Virginia are part of the Fredericksburg area; Washington County, Maryland is part of the Hagerstown area; Berkeley County and Jefferson County, West Virginia are part of the Berkeley and Jefferson "Panhandle" Area; and Clarke County, Culpeper County, King George County, and Warren County, Virginia that are the remainder of the Washington-Baltimore CMSA.

The states recommended, and we have agreed to divide the CMSA into 6 separate nonattainment areas. Due to the broad expanse of the area, the different causes of pollution in different parts of the CMSA and the difficulties in planning that would occur if such a large number of separate government entities were required to plan as one large nonattainment area, we believe it is appropriate to create 6 separate nonattainment areas so long as each area agrees to the same classification as all other areas. The Fredericksburg and Kent and Queen Anne's areas have additional requirements which tie their future redesignation to that of the Washington, D.C. and Baltimore areas. Requiring the same classification for each of the 6 areas will ensure that the needed emission reductions occur to address pollution levels in the Washington-Baltimore CMSA. However, since each area has a different make-up of emissions sources, separate designations will allow the areas to choose which sources it makes the most sense to control. In addition, the creation of 6 separate nonattainment areas will avoid the unwieldy air quality planning that would occur if such a large number of different governmental entities were required to act as one nonattainment area.

An examination of several specific individual criteria has been done and these support the case for separation of the Berkeley and Jefferson Counties from the Washington, D.C. area. The Figures 1 through 4 showing population density, Vehicle Miles Traveled (VMT) growth, percentage of utility nitrogen oxide (NOx) emissions and percentage of commuters into the Washington, D.C. area support the separation of the Berkeley and Jefferson "Panhandle" Area from the core Washington, D.C. area. These figures show how characteristically different this Panhandle Area is from the Washington, D.C. core. In the Figures, the Hagerstown refers to Washington County, MD and Fredericksburg refers to Stafford County, Caroline County, Spotsylvania County, and the City of Fredericksburg, VA.

Figure 1: Population Comparison between Washington, D.C. and adjacent areas

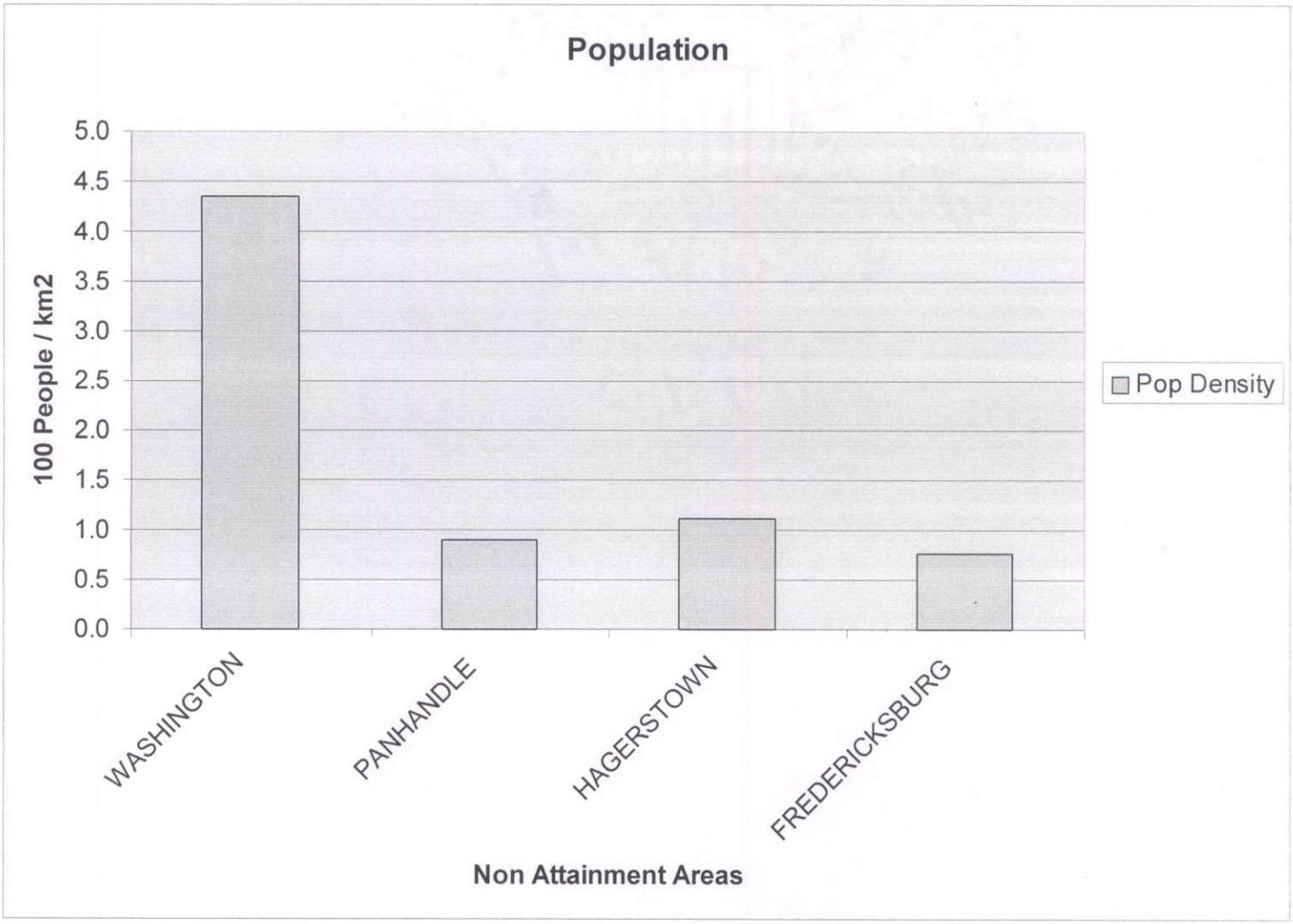

Figure 2: VMT Growth Comparison between the Washington, D.C. area and adjacent areas

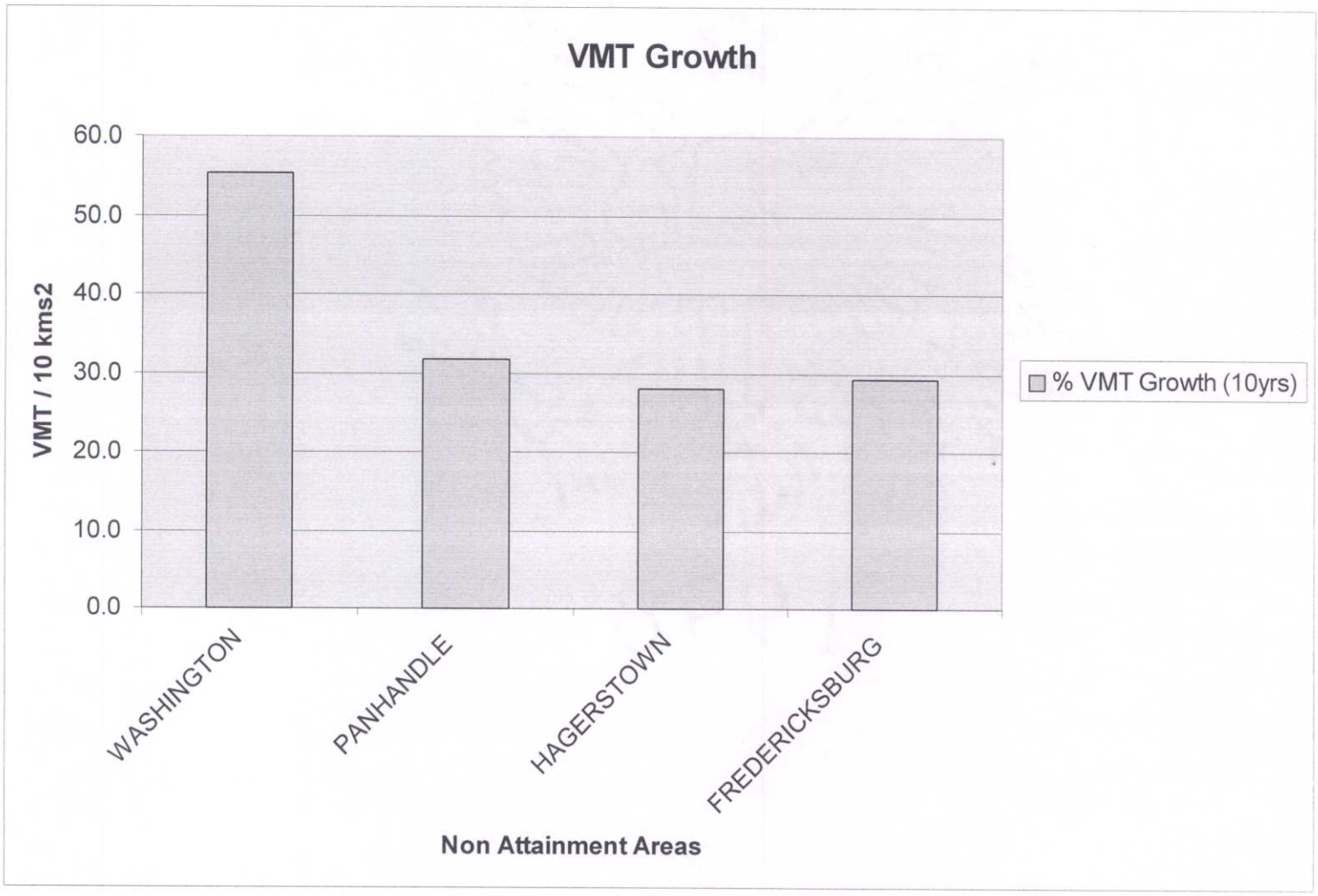

Figure 3: Comparison of % Utility NOx Emissions between Washington area and adjacent areas

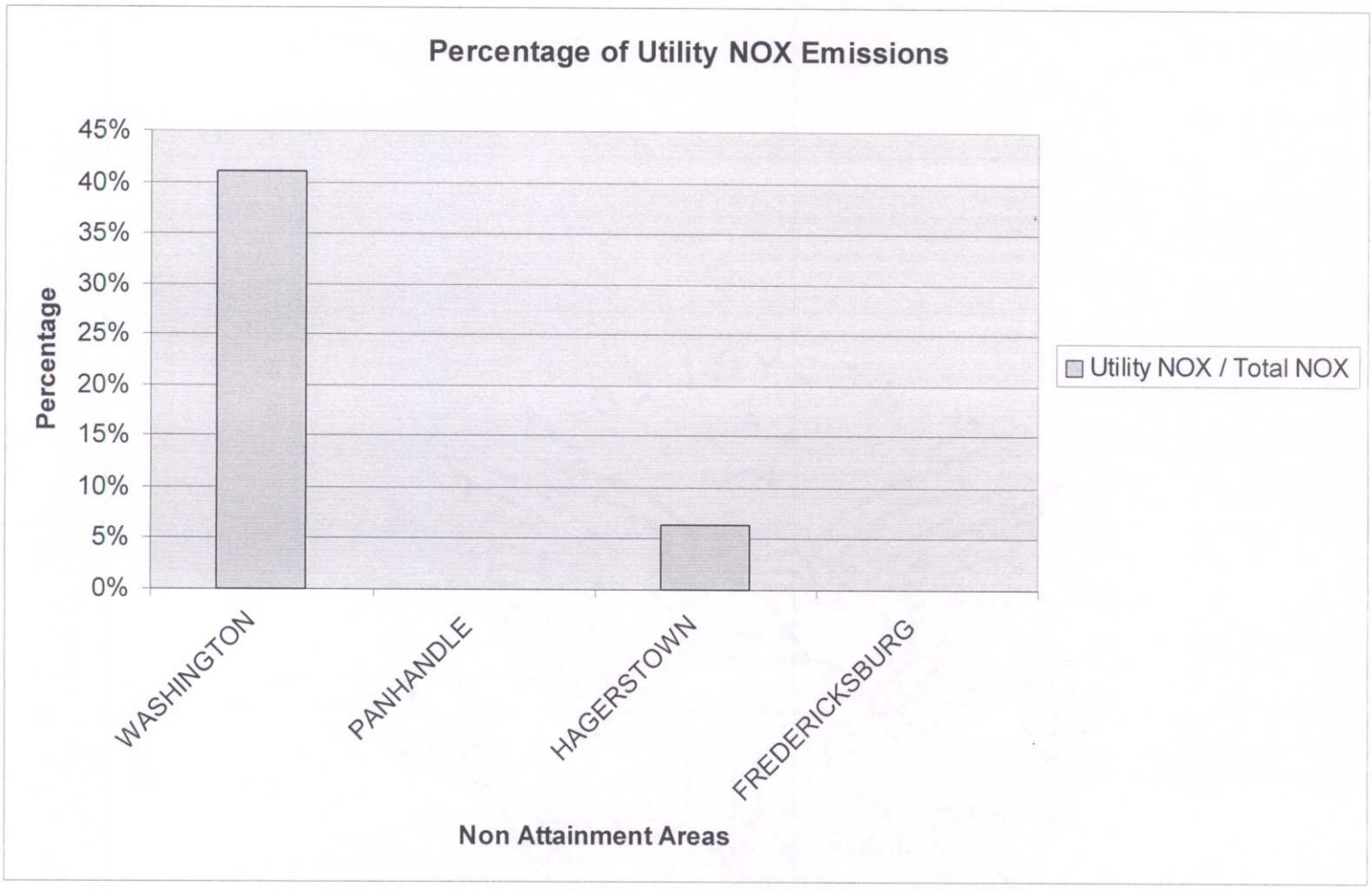
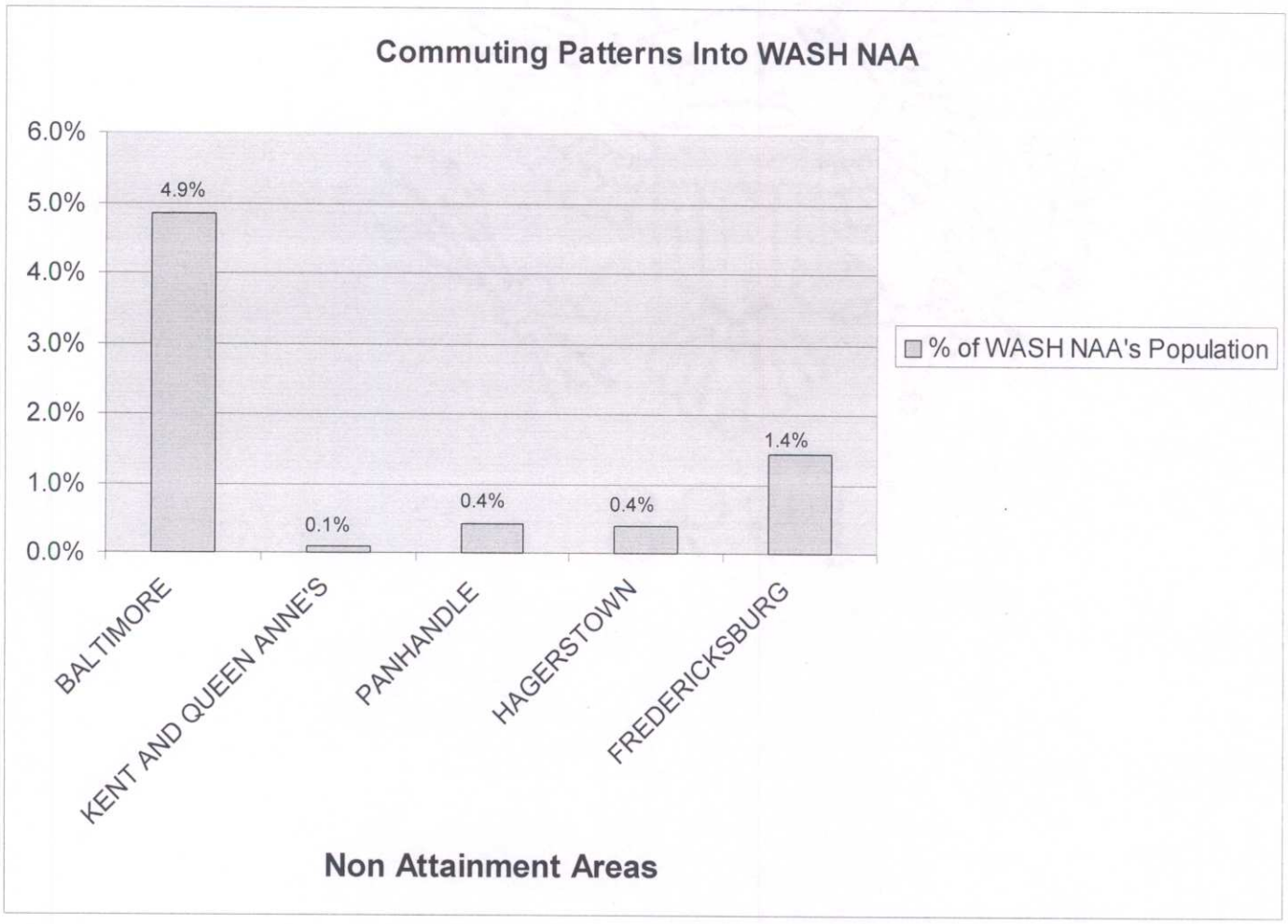
Figure 4: Comparison of Commuting Patterns of each adjacent area into the Washington, D.C. area