UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC - 3 2003

4APT-APB

Mr. James W. Warr, Director
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36110-2059

Dear Mr. Warr:

Thank you for making recommendations on 8-hour ozone air quality designations. Your letter is an important step in providing citizens of Alabama with information on air pollution levels where they live and work. Levels of ground-level ozone 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 U. S. 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.

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 Alabama should use the larger of the Consolidated Metropolitan Statistical Area (CMSA), Metropolitan Statistical Area (MSA), or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides 11 factors that Alabama should consider in determining whether to modify the presumptive boundaries. We have reviewed your letter, dated July 14, 2003, submitting Alabama's recommendations on air quality designations for the 8-hour ozone standard. We have also reviewed the extensive justification information you have submitted to support your recommendations for areas that differed from the presumptive boundaries. We appreciate the effort the State made to develop this supporting information. This letter is to inform you that the EPA does not intend to make modifications to your recommended designations and boundaries. We will continue to work with your office as we move forward to make final designations.

EPA has been tracking preliminary 2003 ozone monitoring data and its impact on areas' 2001-2003 design values. We received a letter from you, dated November 13, 2003, informing us that the ozone monitoring data for 2003 has completed the full quality assurance

and quality control process and has been fully uploaded into the Air Quality System (AQS). According to this data, the Decatur area is now meeting the 8-hour ozone standard, and, because of this, you have revised your official recommendation for Morgan County, Alabama, to attainment. EPA concurs with your revised recommendation for Morgan County.

The enclosures to this letter provide tables in which EPA identifies the counties that should be included in each nonattainment area and a summary explaining why we believe your recommendations are consistent with the statutory definition of a nonattainment area in light of the 11 factors provided in our guidance. Enclosure 1 identifies the areas/counties that will be designated nonattainment. Enclosure 2 provides information on those areas/counties which do not require modification, but which differ from EPA's presumptive boundaries. We look forward to a continued dialogue with Alabama as we work to finalize the designations for the 8-hour ozone standard. If you have any questions, please do not hesitate to contact Beverly Banister, Director, Air Pesticides, and Toxics Management Division, at (404) 562-9326 or Kay Prince, Chief, Air Planning Branch, at (404)-562-9026.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Ron Gore, ADEM
Daniel E. Shea, Huntsville DNR
James L. Carroll, Jefferson County DHEHS

## Enclosure 1

This table identifies the individual areas within Alabama and counties comprising those areas that EPA intends to designate as nonattainment. These are consistent with Alabama's recommendations of July 14, 2003, and the letter submitted November 13, 2003. EPA intends to designate as attainment/unclassifiable all counties not identified in the table below.

| **Nonattainment Areas** | | |
|---|---|---|
| **Area** | **Alabama Recommended Nonattainment Counties** | **EPA Recommended Nonattainment Counties** |
| Birmingham | Jefferson<br>Shelby | Jefferson<br>Shelby |

## Enclosure 2

This table identifies counties which would otherwise be included in a nonattainment area's presumptive boundary, in accordance with EPA's March 28, 2000, Boundary Guidance Memorandum, but which have been omitted from the State's recommendations for nonattainment areas and for which EPA is not modifying. Following the table is a discussion of the justification, based on the 11 factors, for omitting each county from the nonattainment area.

| **Justification for Less than Presumptive Boundaries** | |
|---|---|
| **Area** | **"Presumptive" Counties Excluded from Nonattainment Area** |
| Birmingham | Blount County |
| Birmingham | St. Clair County |

***Birmingham***

*Blount County:*

Blount County contributes approximately seven percent (5,041 tons per year) of volatile organic compounds (VOC) emissions and two percent (2,803 tons per year) of the nitrogen oxides (NOx) emissions in this area. Blount County also does not have a large NOx or VOC source. Blount County has one of the higher expected population growth (25 percent) in the surrounding counties, however, its population (51,024) is small compared to that of the entire CMSA (921,106) or to either Jefferson County (662,047) and Shelby County (143,293). It also has a much lower population density (78 people per square mile) than Jefferson County (589 people per square mile) and Shelby County (177 people per square mile). Based on 2001 data submitted by the State, Blount County's daily vehicle miles traveled (VMT) is only 5.3 percent of the total MSA VMT. Therefore, EPA concurs that Blount County, Alabama should be designated attainment.

*St. Clair County:*

St. Clair County contributes approximately twelve percent (9,231 tons per year) of VOC emissions and six percent (7,624 tons per year) of NOx emissions in the area. There is only one significant NOx source in St. Clair County, a cement kiln, which is implementing significant controls which have been determined to be reasonable and highly cost effective to meet the Alabama's NOx SIP requirements (implementation May 31, 2004). Although St. Clair County has a fairly high expected population growth rate (24 percent), its population (64,742) is small compared to that of the entire CMSA (921,106) and is only one-tenth the population of Jefferson County (662,047) and less than half the population of Shelby County (143,293). It has a population density of (102 people per square mile) compared to Jefferson County (589 people

per square mile) and Shelby County (177 people per square mile). Based on 2001 data submitted by the State, St. Clair County's daily VMT is only 7.3 percent of the total MSA VMT. Therefore, EPA concurs that St. Clair County, Alabama, should be designated attainment.