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

DEC - 3 2003

4APT-APB

Honorable Ronnie Musgrove
Governor of Mississippi
State Capitol
501 North West Street
Woolfolk Bldg. 15th Floor
Jackson, MS 39201

Dear Governor Musgrove:

Thank you for making recommendations on 8-hour ozone air quality designations. Your letter is an important step in providing citizens of Mississippi 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 Mississippi 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 Mississippi should consider in determining whether to modify the presumptive boundaries. We have reviewed your letter, dated July 14, 2003, submitting Mississippi'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 Mississippi's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this by February 6, 2004, so that we can 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. EPA will continue to closely review monitoring data for differences that may occur throughout the remainder of the 2003 ozone season or as a result of data handling procedures to determine if it might affect the State's recommended designation. It is critical for Mississippi to expedite submittal of 2003 monitoring data to EPA so that air quality designations and classifications for the 8-hour standard will accurately reflect the State's air quality.

To advance this process, please submit your final 2003 monitoring data into the Air Quality System as quickly as possible, if it has not already been done. In addition, please submit the 8-hour and 1-hour ozone design values and the average expected 1-hour exceedance rate to Beverly Banister, Director, Air Pesticides and Toxics Management Division, by December 17, 2003, to advance the designation process.

The enclosure to this letter provides a table in which EPA identifies the counties that should be included in each nonattainment area. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe your recommendation is not consistent with the statutory definition of a nonattainment area in light of the 11 factors provided in our guidance. We look forward to a continued dialogue with Mississippi as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information that Mississippi wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact Beverly Banister, at (404) 562-9326 or Kay Prince, Chief, Air Planning Branch, at (404) 562-9026.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Charles Chisolm, MSDEQ
Dwight K. Wylie, P.E., Air Div, MSDEQ
Betsy L. Child, Commissioner, TDEC
Barry R. Stephens, P.E., TDEC
Mike Huckabee, Governor, Arkansas
Marcus Devine, Arkansas DEQ

Enclosure

The following table identifies the individual areas and counties comprising those areas within Mississippi that EPA intends to designate as nonattainment. Following the table is a description of areas where EPA intends to modify the State's recommendation and the basis for such modification. EPA intends to designate as attainment/unclassifiable all not identified in the table below.

Nonattainment Areas		
Area	**Mississippi Recommended Nonattainment Counties**	**EPA Recommended Nonattainment Counties**
Memphis	DeSoto (separate)	DeSoto (included as part of the Memphis nonattainment area)

Modifications to Mississippi's Recommendations

Memphis TN-MS-AR

Mississippi recommended that DeSoto County, Mississippi, which is part of the Memphis CMSA, be designated as a separate nonattainment area from Memphis. EPA intends to designate DeSoto County as nonattainment and include it with the Memphis nonattainment area. The State recommended to split the area with the justification that DeSoto County has a deminimus impact on Shelby County, Tennessee, and Crittenden County, Arkansas. The State did not provide a justification based on EPA's 11 factors that this is a separable area. Instead, the State provided a justification to show that, although Shelby County, TN, does impact DeSoto County, DeSoto County has only a deminimus impact on Shelby County, TN. We do not believe this provides a technical basis for splitting nonattainment areas. The information provided by the State did not address the 11 factors fully in providing a basis to separate this County from the remainder of the presumed nonattainment area. The State did not present a compelling argument, based on the 11 factors, that DeSoto County does not contribute, or is not impacted by, the remainder of the Memphis area. Since DeSoto County is within the presumptive boundary, and areas that were recommended to be separate nonattainment areas are considered one airshed, we believe DeSoto County should be part of the Memphis nonattainment area.