STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

Mike Huckabee
Governor

July 14, 2003

Mr. Richard Greene
Regional Administrator
United States Environmental Protection Agency – Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

Dear Administrator Greene:

In accordance with the Memorandum issued November 14, 2002 from Jeffrey R. Holmstead, Assistant Administrator; and a letter dated December 13, 2002 from Mr. Greg Cooke, Environmental Protection Agency (EPA) - Region 6 Regional Administrator, this letter provides your office with the state of Arkansas's recommended designations for the attainment status of Arkansas counties with regards to the National Ambient Air Quality Standard for 8-hour ozone.

These preliminary recommendations are based on 2000-2002 quality assured air quality monitoring data that has been provided by the Arkansas Department of Environmental Quality (ADEQ). The preliminary recommendations are made in accordance with the Holmstead memorandum referenced above and the March 28, 2000 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards."

While I vehemently disagree with the premise that Arkansas' air quality is unhealthy, Arkansas would be best served by contributing to the designation process rather than being simply directed by the EPA. Furthermore, I am confident that many sources contribute to any air quality problems faced by our state. Most notably, the transport of air masses from areas outside of our jurisdiction. Nonetheless, at this time, I am making a preliminary recommendation that the following counties be designated as not currently in attainment of the 8-hour ozone NAAQS: Crittenden County, Arkansas (a county in eastern Arkansas within the boundaries of the Memphis, TN/AR/MS Consolidated Metropolitan Statistical Area) and; the four counties in the centrally located Little Rock/North Little Rock, Arkansas Metropolitan Statistical Area (the LR/NLR, AR MSA) that includes Pulaski County, Faulkner County, Lonoke County and Saline County.

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The boundaries of these recommended non-attainment area designations are based on the MSA and CMSA boundary definitions established by the U.S. Census Bureau as a result of the 1990 census. All other Arkansas counties should be designated as attainment/unclassifiable, as they are not considered to be in danger of violating the ozone NAAQS in the foreseeable future.

As the EPA moves forward with the designation process, additional or new information may be provided by the ADEQ, which will justify reconsideration of the recommendations contained herein. With the EPA's proposed intention to use the 2001-2003 three year average periods as the basis for final promulgation, data from this year's ozone season may alter these preliminary recommendations. This may be specifically relevant in Central Arkansas, where the previous two years have shown a trend of decreasing ozone averages. Should the EPA determine that other modifications to the preliminary recommendations are necessary, we are aware that the state will be notified no later than 120 days prior to publishing the final designation decisions.

The recommendation for Crittenden County, Arkansas is based on 2000-2002 ambient air quality data collected at an ADEQ monitoring station (Site I.D. – 050350005) located in Marion, Arkansas. The three-year average of the annual, fourth-high, 8-hour average ozone concentration at this site is 0.09 parts per million (ppmv).

As you know, county and local officials throughout the Memphis, TN/AR/MS CMSA have partnered with the ADEQ, the Tennessee Department of Environmental Quality, the Mississippi Department of Environmental Quality and the Memphis/Shelby County Health Department as signatories to an Early Action Compact (EAC) with the EPA. For this reason, I am requesting that, when making final designations, the EPA defer the effective date of the non-attainment designation for Crittenden County, Arkansas for the duration of the Compact.

A comparison of the pollutant emitting activities that contribute to the high ozone concentrations monitored in Crittenden County, Arkansas with the demographic data that is available for the Memphis, TN/AR/MS CMSA clearly shows that the principal causes of ozone episodes in the area are sources outside of the jurisdictional authority of Crittenden County and the State of Arkansas. Re-attainment of the ozone standard in this portion of the CMSA will require long-term, cooperative efforts of a regional and national scale. Arkansas is committed to working with its local, state, regional and federal partners in the active pursuit of a resolution to the problem at hand.

The preliminary recommendation for the LR/NLR, AR MSA is based on 2000-2002 ambient air quality data collected at an ADEQ monitoring station (Site I.D. – 051191002) located in North Little Rock, Arkansas. The three-year average of the annual, fourth-high, 8-hour average ozone concentration at this site is 0.09 ppmv. If this year's ozone season is mild, it is conceivable that the 2001-2003 data for the LR/NLR MSA will demonstrate compliance with

the ozone NAAQS. In that event, I will be requesting reconsideration of this preliminary designation recommendation.

For the last six years, the ADEQ, the Arkansas Highway and Transportation Department, the Arkansas Department of Health, METROPLAN (the Metropolitan Planning Organization responsible for regional transportation planning), Clean Cities, community leaders and stakeholders have actively participated in the Ozone Action Days program and other local initiatives. The Ozone Action Days program includes ozone forecasting, education and outreach efforts designed to encourage and achieve voluntary, "early" ozone precursor emission reductions from all source categories in the region. These same entities have entered into an Ozone Flex agreement with EPA Region 6 that should result in additional benefits for the area. Pending and proposed federal mandates on pollutant emitting activities have the potential to substantially reduce the frequency and severity of ozone episodes in the MSA. These factors should be considered when making the final designation for this area.

Arkansas, "the Natural State", is committed to maintaining and improving its' air quality. Your consideration of the recommendations contained herein is appreciated.

Sincerely yours,

Mike Huckabee

MH:dc:jm

cc: Marcus Devine, Director of the Arkansas Department of Environmental Quality
Keith Michaels, Division Chief with the Arkansas Department of Environmental Quality
Thomas Diggs, Environmental Protection Agency- Region 6