UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101

04 DEC 2003

OFFICE OF
THE REGIONAL ADMINISTRATOR

Honorable Kathleen Sebelius
Governor of Kansas
State Capitol Building
Topeka, KS 66612

Dear Governor Sebelius:

On July 8, 2003, we received a request from Missouri to flag the ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas City for the days of April 12 and 13, 2003. In addition, we now have all of the quality assured, ozone air quality data for the Kansas City area for 2003. Our intention is to respond to your nonattainment recommendations for the Kansas City area no later then December 12, 2003. At that time, we will also respond to Missouri's request to flag the aforementioned data.

If you have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this matter. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

James B. Gulliford
Regional Administrator

cc: Mr. Roderick L. Bremby
Kansas Department of Health and Environment
Mr. Ron Hammerschmidt
Kansas Department of Health and Environment
Mr. Clark Duffy
Kansas Department of Health and Environment

RECYCLE
PAPER CONTAINS RECYCLED FIBERS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

12 DEC 2003

OFFICE OF
THE REGIONAL ADMINISTRATOR

Honorable Kathleen Sebelius
Governor of Kansas
State Capitol Building
Topeka, KS 66612

Dear Governor Sebelius:

Thank you for your letter of July 15, 2003, submitting Kansas' recommendations for air quality designations for the 8-hour national health-based standard for ground-level ozone. I also appreciate the supplemental material submitted by the Kansas Department of Health and Environment (KDHE) which provided additional support for the designations. I also want to recognize KDHE's work with the community and with the State of Missouri to develop a community-based recommendation. This working relationship with the community should be helpful in the future. The State submittal is the first step in our working cooperatively to designate areas in which the air standards have not been attained and in recognizing those areas that have achieved the clean air goal.

This is the response we promised in our letter to you of December 4, 2003. On July 8, 2003, we received a request from Missouri to "flag" the ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas City for the days of April 12 and 13, 2003. "Flagging" means that the data are given special consideration with respect to their use in decision making. We have considered Missouri's request and believe that, under the specific and limited conditions surrounding the April 12 and 13, 2003, data, the data can be flagged. We reached this conclusion based upon additional information we have developed. We will provide your staff with our technical response to Missouri's request in a separate letter.

Your July 15, 2003 recommendation of nonattainment is based on air quality data from 2000 through 2002. Because the data from the 2003 ozone season have now been quality assured, we believe it is appropriate to consider the more recent data. The U.S. Environmental Protection Agency (EPA) believes, on the basis of the 2001 through 2003 ambient air quality data showing attainment of the standard, that the Kansas City area is eligible for an attainment designation and that your recommendation should be modified accordingly. Therefore, if you agree with our evaluation that the more recent data support an attainment designation, we are providing an opportunity for the State to modify its recommendation from nonattainment to attainment by February 6, 2003 so we can make the appropriate final designation by April 15, 2004.

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Lacking modification of your earlier recommendation, we would assume that the State elects to retain the nonattainment designation. Therefore, I would like to describe how we would intend to modify the State's boundary recommendation for the Kansas City area if the EPA should designate the area as a nonattainment area. Our intent would be to modify your recommendation to add Miami and Linn Counties as part of the designated nonattainment area. Data provided by the State of Kansas and additional analysis conducted by the EPA, Region 7 indicate that emissions within these counties potentially contribute to the Kansas City ozone concentrations. The enclosure to this letter provides additional information. Please submit any comments you may have concerning the appropriate boundaries by February 6, 2004.

Regardless of the final designation, we believe it is critical that the Kansas City area continue to achieve reductions in ozone precursor emissions and to assess its air quality to ensure that health-based standards are protected. If you should have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this matter. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

James B. Gulliford

James B. Gulliford
Regional Administrator

Enclosure

cc: Mr. Roderick L. Bremby
Kansas Department of Health and Environment
Dr. Ron Hammerschmidt
Kansas Department of Health and Environment
Mr. Clark Duffy
Kansas Department of Health and Environment
Mr. Stephen Mahfood
Missouri Department of Natural Resources

ENCLOSURE

If the final decision were to designate the Kansas City area as a nonattainment area, the following table identifies the individual areas within Kansas City, Kansas, area that the EPA would intend to designate as nonattainment areas. The basis for such a modification follows the table.

Individual Designated Nonattainment Area	Kansas Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
Kansas City, MO-KS	Johnson and Wyandotte Counties	Johnson, Linn, Miami, and Wyandotte Counties

Modification to Kansas' Recommendations for the
Kansas City, Kansas, Area

We would intend to modify the State's recommendation to add Miami County. The County is within the presumptive nonattainment area. VOC and NO_x emissions within the County amount to 2 percent and 4 percent of the emissions in the CMSA. Due to predominately south winds, emissions from Miami County are likely to contribute to the air quality of the Kansas City area. The County has several point sources of NO_x emissions that are not well controlled. Upon review of the current Kansas submittal relative to the 11 factors (particularly meteorology, modeling, level of control, and/or location of the sources), the EPA, Region 7 has determined that Kansas has not established a convincing position that Miami County should be excluded.

We would intend to modify the State's recommendation to add Linn County. While this county is outside of the presumptive boundary, the Agency's designation principles state that a county without a violating monitor that is contiguous to a nonattainment area and includes a large emissions source or significant emission sources, whether potential or existing sources, should be presumed to be contributing to the nonattainment area. Such a county should be designated nonattainment unless the sources have in place or are in the process of actually installing Federally enforceable emission controls, and the source or sources are not subject to a trading program. The Federally enforceable controls must be among the most stringent controls that are used on that type of source category. Linn County is adjacent to the presumptive nonattainment area. Substantial NO_x emissions occur within the county. Due to predominately south winds, emissions are likely to contribute to the air quality of the Kansas City area. The county has an operating point source with large NO_x emissions with controls that are not among the most stringent controls. Upon review of the current Kansas submittal relative to the 11 factors (particularly meteorology, modeling, level of control, and/or location of the sources), the EPA Region 7 has determined that Kansas has not established a convincing position that Linn County should be excluded. 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 by April 15, 2004.