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Ref: 8P-AR

DEC 0 3 2003

Honorable Bill Owens
Governor of Colorado
State Capitol
Denver, CO 80203

Dear Governor Owens:

Thank you for your letter dated June 30, 2003, that provided Colorado's recommendations for designating areas within your State for the 8-hour ozone national air quality standard. Your letter is an important step in providing the citizens of Colorado 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, including the metropolitan Denver area, have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard.

Under the Clean Air Act (CAA), EPA is required to promulgate designations for new or revised standards such as the 8-hour ozone standard. We plan on fulfilling this requirement by promulgating designations for all places in the nation by April 15, 2004. The new 8-hour ozone standard, combined with these designations and the emission reductions to be made in areas with non-attainment designations, will provide all Americans with healthier air and an improved quality of life.

We have reviewed your June 30, 2003, letter submitting Colorado's recommendations on air quality designations for the 8-hour ozone standard which recommended the entire state be designated attainment. However, since the State submitted its recommendations, our review of preliminary 2003 data from the State's ozone monitoring network indicates that the Denver area is now violating the 8-hour ozone standard. Therefore, consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based upon the information contained in your June 30, 2003, letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to Colorado's recommended designation with respect to the Denver metropolitan area and to a nonattainment boundary. Also, please note that EPA will be addressing Indian country through a separate concurrent process with the Tribes in Colorado.

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The air quality monitoring data for the years 2000-2002, that were provided with your letter of June 30, 2003, indicated that all areas in Colorado were attaining the 8-hour ozone standard. However, the preliminary 2001-2003 monitoring data for the Chatfield monitor (Douglas County), the National Renewable Energies Laboratory (NREL) monitor (Jefferson County), and the Rocky Flats monitor (Jefferson County), indicate the metropolitan Denver area is now violating the 8-hour ozone standard. It is critical for Colorado to expedite the submittal of the final, quality-assured 2003 monitoring data to EPA so that air quality designations and classifications for the 8-hour ozone standard will accurately reflect the State's air quality.

With respect to a nonattainment boundary, 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. As the metropolitan Denver area is no longer attaining the 8-hour ozone standard, EPA guidance indicates that Colorado 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 an 8-hour ozone nonattainment area. The guidance provides 11 factors that Colorado should consider in determining whether to modify the presumptive boundaries.

In the case of the Denver metropolitan area, the CMSA should be the starting point for considering the nonattainment boundary. This would include the following counties: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Weld. In addition, we recommend that Elbert, Larimer, and Morgan counties also be added. While these counties are outside of the CMSA, they are adjacent to the Denver-Boulder-Greeley CMSA and may be contributing to the 8-hour ozone violations. Some of the factors we considered include the location of all 11 counties in the same airshed, population density, emissions sources, and traffic and commuting patterns. Please refer to the enclosure to this letter which provides a table identifying the counties that should be included in the nonattainment area and additional information.

EPA acknowledges that Colorado already had anticipated difficulty with attaining the 8-hour ozone standard for metropolitan Denver. Denver's Early Action Compact (EAC), that was entered into by the State, EPA, and other signatories on December 31, 2002, established a positive direction that should lead to attainment of the 8-hour ozone standard for the metropolitan Denver area. We note that required milestones have been met and that substantial progress has been made with respect to meeting the EAC requirements.

If you would like to provide additional information about the Denver metropolitan area, please provide this information by February 6, 2004. This will facilitate our discussions with your office, the Colorado Air Quality Control Commission (AQCC), and the Colorado Department of Public Health and Environment (CDPHE) as we move forward to make final designations. Also, please have the CDPHE submit the final quality-assured 2003 ozone season

monitoring data into our Air Quality System as quickly as possible if this has not already been done. In addition, please have the CDPHE submit the 8-hour and 1-hour ozone design values and the average expected 1-hour exceedance rate to Richard Long of my staff by February 6, 2004, to advance the designation and classification process.

We look forward to a continued dialogue with Colorado 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 Colorado wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact me. Your staff or that of the CDPHE may also wish to contact Richard Long, Director of our Air and Radiation Program, at (303) 312-6005, or Tim Russ, Air and Radiation Program staff, at (303) 312-6479.

Sincerely yours,

Robert E. Roberts
Regional Administrator

Enclosure

cc: Douglas Benevento, Executive Director, CDPHE
Howard Roitman, Environmental Programs Director, CDPHE
Margie Perkins, Director, Air Pollution Control Division, CDPHE

Enclosure

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

Area	**Colorado Recommended Nonattainment Counties**	***EPA Recommended Nonattainment Counties***
Denver Metropolitan Area	None.	Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Elbert, Jefferson, Larimer, Morgan, and Weld.

The State recommended attainment for the entire state of Colorado based on air quality data collected during 2000-2002. In the absence of a justification to do otherwise, EPA intends to modify the State's recommendation.

We intend to modify Colorado's June 30, 2003, recommendation to designate the Denver/Boulder/Greeley CMSA as a nonattainment area. This includes the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, and Weld. This area contains violating monitors so the presumption is that the entire CMSA would be designated nonattainment.

We intend to add Elbert, Larimer, and Morgan counties which area outside of the CMSA. While these counties are outside of the presumptive boundary, we intend to include these counties as they are adjacent to the CMSA and, based on our consideration of factors that are relevant to the area, we believe may be contributing to or be impacted by the Denver/Boulder/Greeley nonattainment area. Some of the factors relied on for this analysis are the location of the counties within the same airshed as the Denver/Boulder/Greeley CMSA, population density, traffic and commuting patterns, and significant NOx and/or VOC ozone precursor emissions.