UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

December 3, 2003

OFFICE OF THE REGIONAL ADMINISTRATOR

Honorable Janet Napolitano
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Napolitano:

Thank you for your letter dated July 11, 2003 making recommendations on 8-hour ozone air quality designations. This is an important step in providing citizens of Arizona with information on air pollution levels where they live and work. It is important to note that most of the State of Arizona is in attainment for the 8-hour ozone standard. Your letter recommended that the northern portion of Maricopa County be designated as the sole nonattainment area for the 8-hour ozone standard for the State of Arizona. The purpose of this letter is to inform you that EPA currently intends to make modifications to Arizona's recommended designations and boundaries. We are willing, however, to review any additional information you have that might impact our final decision. Also, please note that EPA will address designations of Indian country lands through a concurrent process with the Tribes in Arizona.

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 (67) have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard. The Phoenix 1-hour ozone nonattainment area is one such success story. Although not yet redesignated, I understand you have not had a violation of the 1-hour standard since 1996 and an ozone maintenance plan is being drafted for submittal to EPA. We congratulate you on your progress in improving air quality.

However, many areas have still not met the less stringent 1-hour ozone standard and, in 1997, the United States Environmental Protection Agency (EPA) promulgated a more stringent 8-hour ozone national ambient air quality standard. Consequently, 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." (CAA §107(d)(1)) EPA guidance

indicates that Arizona 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 Arizona should consider in determining whether to modify the presumptive boundaries.

We have reviewed your July 11, 2003 letter submitting Arizona's recommendations on air quality designations for the 8-hour ozone standard, and the July 22, 2003 supporting analysis from Arizona Department of Environmental Quality Director, Stephen Owens. In addition, a November 7, 2003 letter from Mr. Owens suggests that Pinal County be excluded from the nonattainment area, and suggests that instead the Area A portion of Pinal County, would be required to develop a SIP. ("Area A" is the area surrounding Phoenix in which the State imposed controls for purposes of the 1-hour ozone standard.) I have also talked directly with Mr. Owens about designation boundaries and his suggestion that this area develop a SIP as an alternative to being included in the designated nonattainment area.

These submissions used the 11 factors to contract the presumptive nonattainment area to the northern portion of Maricopa County. While I strongly support any SIP strengthening that will hasten attainment of the ozone standard and bring cleaner air to Phoenix area residents, it is not appropriate to substitute such a SIP revision for a formal non-attainment designation. Consistent with section 107(d)(1) of the CAA, this letter is to notify you that although we agree with your 8-hour ozone boundary recommendation regarding Maricopa County, EPA intends to make modifications to Arizona's recommended designations and boundaries, to include in that designation the Pinal County portion of Area A. If you would like to provide additional information about the area in question, particularly as to why it should not be included, please provide this information by February 6, 2004.

The enclosure to this letter provides a table in which EPA identifies the counties (and any parts thereof) that we believe should be included in the 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 also want to highlight a second important issue. EPA has been tracking 2003 ozone monitoring data and its impact on areas' preliminary 2001-2003 design values (DV). EPA will continue to closely review monitoring data for additional 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 designations. It is critical for Arizona to expedite submittal of 2003 data to EPA in order to accurately reflect air quality because it is the basis for the designation and classification process.

Please submit your final 2003 8-hour ozone monitoring data into the Air Quality System as quickly as possible, if you have not already done so. In addition, please submit the 8-hour and 1-hour design values and the average expected 1-hour exceedance rate to John Kennedy,

Technical Support Office Chief (415-947-4129), by official letter by December 17, 2003 to advance the designations and classifications process.

We look forward to a continued dialogue with Arizona as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information Arizona wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact Steven Barhite at (415) 972-3980.

Sincerely,

Wayne Nastri
Regional Administrator

Enclosure

cc: Stephen Owens, ADEQ
Nancy Wrona, ADEQ
Dennis Smith, MAG
Al Brown, Maricopa County
Ursula Kramer, Pima County
Charles Matthewson, PAG
Don Gabrielson, Pinal County

Enclosure

The following table identifies the individual areas and counties comprising those areas within Arizona that EPA intends to designate as nonattainment. Following the table is a description of those areas where EPA intends to modify the Arizona recommendation as well as the basis for the modification. EPA intends to designate as attainment/unclassifiable all Arizona counties (or parts thereof) not identified in the table below.

Area	Arizona Recommended Nonattainment Counties	EPA Intended Nonattainment Counties (modifications in bold)
Phoenix-Mesa Area	Maricopa County (excluding far western and southwestern portions, as described in the enclosure to your July 11, 2003 letter)	Maricopa County (excluding far western and southwestern portions, as described in the enclosure to your July 11, 2003 letter), **Area A portion of northern Pinal**

Phoenix-Mesa Area

The presumptive boundary for the Phoenix-Mesa nonattainment area is the Phoenix metropolitan statistical area, or MSA, which is comprised of Maricopa and Pinal Counties. EPA believes that breathing unhealthful levels of ozone and ozone transport is a serious *regional* air pollution problem. Except in very limited circumstances, such as unusually large counties, or portions of a county lying in a different air shed due to a geographical feature such as a mountain range, designating a partial county as nonattainment does not reflect the area that is either experiencing a violation of the ambient air quality standard or contributing to a violation of the air quality standard in a nearby area. Therefore, absent a convincing rationale that the excluded portion of the county is neither experiencing a violation nor contributing to a violation in a nearby area, designating the full county as nonattainment is the appropriate designation.

Arizona's recommendation and supporting material includes rationales for two partial counties as nonattainment, Maricopa and Pinal Counties. We believe that your submittal presents a convincing case that the excluded portion of Maricopa County is not experiencing violations of the 8-hour ozone air quality standard and is not contributing to violations of the air quality standard in nearby areas. While we believe that your submittal likewise makes a convincing argument for excluding the large southern portion of Pinal County, we do not believe that you have provided a convincing rationale for excluding the entire county. Thus, due to the immense size of the Phoenix-Mesa MSA, some 14,500 square miles, much of it uninhabited or sparsely populated, with few or no emission sources of note, EPA agrees with Arizona's recommendation to set the boundary for the greater Phoenix metropolitan nonattainment area at a level less than that of the whole MSA. However, we believe that the nonattainment area should also encompass the Pinal County portion of Area A, in which the State required control measures to attain the 1-hour ozone standard.

While we agree with the State's recommendation to reduce the nonattainment portion of Pinal County due to the immense size of the county and the very rural nature of the southern portion, we do not agree with excluding the urbanized portion of the county. We believe it is an important area, in that it is contiguous with the greater Phoenix metropolitan area, includes Apache Junction, Pinal County's largest city which serves Phoenix as a bedroom community and therefore has an established commuting pattern, and generally has a growth potential tied to the expansion of the greater metro area, including a large, platted area expected to be developed, between Phoenix and Florence. EPA therefore intends to make a determination of the nonattainment boundary in Pinal County which includes the Area A portion of northern Pinal County in the Phoenix-Mesa nonattainment area.