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

December 3, 2003

OFFICE OF THE
REGIONAL ADMINISTRATOR

Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, California 95814

Dear Governor Schwarzenegger:

We appreciate California's recommendations on 8-hour ozone air quality designations, made by the State earlier this year. This is an important step in providing citizens of California with information on air pollution levels where they live and work. The purpose of this letter is to inform you that although we agree largely with California's 8-hour ozone boundary recommendations, we currently intend to modify some of the recommendations, in making our final designations in April 2004. We are willing, however, to review any additional information you have that might impact our final decision. We currently disagree with California's recommendation to separate mountain counties (Nevada, Amador, Calaveras, Tuolumne and Mariposa Counties) from the upwind Sacramento and San Joaquin Valley nonattainment areas, the recommendation to split the Western Mojave Desert nonattainment area, and the recommendation to designate as attainment the San Francisco Bay Area and Yuba City areas, considering 2003 air monitoring data we received after California's July, 2003 recommendation (see enclosed). Also, please note that EPA will address designations of Indian country lands through a concurrent process with the Tribes in California.

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. 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. 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.

We have reviewed the State's letter of July 15, 2003, submitting recommendations on air quality designations for the 8-hour ozone standard, as well as the Air Resources Board's Staff Report ("Recommended Area Designations for the Federal Eight-Hour Ozone Standard") from March 2000. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that,

based upon the information submitted, and in the absence of additional substantiation for the State's recommendations, EPA intends to make modifications to California's recommended designations and boundaries.

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 California 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 California should consider in determining whether to modify the presumptive boundaries. We have reviewed California's information supporting either expanding or contracting the presumptive nonattainment areas. The enclosure to this letter provides a table in which EPA identifies the counties (and any parts thereof) that should be included in each nonattainment area. We also provide a written summary of our reasoning for modifying California's recommendations, explaining why we believe the recommendation is not consistent with the statutory definition of a nonattainment area in light of the 11 factors provided in our guidance.

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 airshed due to a geographical feature such as a mountain range, designating a partial county as nonattainment would 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. California's recommendation and supporting material include a number of partial counties as nonattainment. We believe that your submittal generally presents a convincing case that the excluded portions of counties are not experiencing violations of the air quality standard, are not contributing to violations of the air quality standard in nearby areas, and/or are separated by a geographical feature.

EPA has been tracking 2003 ozone monitoring data and its impact on areas' preliminary 2001-2003 design values. Where preliminary 2001-2003 ozone monitoring data indicates that an area's attainment status will differ from California's recommendation based on 2000-2002 monitoring data, the enclosure indicates where EPA intends to modify the State's designation recommendation. 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 California to expedite submittal of 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.

If you would like to provide additional information about the areas in question, please

provide this information by February 6, 2004. Also, please submit your final 2003 8-hour ozone 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 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 dialog with California as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information California wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact Steven Barhite, Air Planning Office Chief, at (415) 972-3980.

Sincerely,

Wayne Nastri
Regional Administrator

Enclosure

cc: Alan Lloyd, ARB
Catherine Witherspoon, ARB
Stew Wilson, CAPCOA

Enclosure

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

Area	California Recommended Nonattainment Counties	EPA Intended Nonattainment Counties (modifications in bold)
South Coast Air Basin (Los Angeles)	Los Angeles (South Coast Air Basin portion which includes Santa Catalina and San Clemente Islands), Orange, San Bernardino (South Coast Air Basin portion), Riverside (South Coast Air Basin portion)	Los Angeles (South Coast Air Basin portion which includes Santa Catalina and San Clemente Islands), Orange, San Bernardino (South Coast Air Basin portion), Riverside (South Coast Air Basin portion)
San Joaquin Valley	San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern (San Joaquin Air Basin portion)	San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, Kern (San Joaquin Air Basin portion), **Amador, Calaveras, Tuolomne, Mariposa**
Sacramento Region	Sacramento, Yolo, Solano (Sacramento Valley Air Basin portion), El Dorado (Sacramento Valley Air Basin portion), Placer (Sacramento Valley Air Basin portion)	Sacramento, Yolo, Solano (Sacramento Valley Air Basin portion), El Dorado (Sacramento Valley Air Basin portion), Placer (Sacramento Valley Air Basin portion), **Nevada (Sacramento Valley Air Basin portion)**
Western Mojave Desert (San Bernardino part county and Los Angeles part county)	San Bernardino (Mojave Desert Air Basin portion)	San Bernardino (Mojave Desert Air Basin portion), **Los Angeles (Antelope Valley portion aka Mojave Desert Air Basin portion)**
Coachella Valley (Riverside part county)	Riverside (Salton Sea Air Basin portion)	Riverside (Salton Sea Air Basin portion)
Ventura County	Ventura	Ventura

Eastern Kern County	Kern (Eastern Kern aka Mojave Desert Air Basin portion)	Kern (Eastern Kern aka Mojave Desert Air Basin portion)
San Diego County	San Diego	San Diego
Antelope Valley	Los Angeles (Antelope Valley portion aka Mojave Desert Air Basin portion)	(Included in Western Mojave Desert)
Imperial County	Imperial	Imperial
Western Nevada County	Nevada (Sacramento Valley Air Basin portion)	(Included in Sacramento Region)
Central Mountain Counties	Amador, Calaveras	(Included in San Joaquin Valley)
Southern Mountain Counties	Tuolumne, Mariposa	(Included in San Joaquin Valley)
Chico (Butte County)	Butte	Chico (Butte County)
San Francisco Bay Area	(Not recommended: clean 2000-2002 violating 2001-2003)	**San Francisco, Marin, southern Sonoma (San Francisco Bay Air Basin portion), Napa, western Solano (San Francisco Bay Air Basin portion), Contra Costa, Alameda, Santa Clara, San Mateo**
Yuba City	(Not recommended: clean 2000-2002 violating 2001-2003)	**Sutter, Yuba**

Mountain Counties

The State recommended a separate nonattainment areas for Nevada County. We intend to add Nevada County to the Sacramento Region nonattainment area. The State recommended separate nonattainment areas for Amador and Calaveras Counties (Central Mountain Counties), and Tuolomne and Mariposa Counties (Southern Mountain Counties). We intend to add Amador, Calaveras, Tuolomne, and Mariposa Counties to the San Joaquin Valley nonattainment area. While these counties are outside of the presumptive boundary, the counties have violating monitors. The mountain counties have low population and emissions compared to the upwind nonattainment areas, and appear to be part of the Sacramento and San Joaquin Valley airsheds. A regional approach therefore appears to be best suited to addressing the air quality of both the upwind San Joaquin Valley and Sacramento Region nonattainment areas, and the downwind

mountain counties. We welcome any information that will support the State's recommendation. As stated elsewhere, this information needs to address the 11 factors in our guidance.

Western Mojave Desert

The State recommended splitting northeastern Los Angeles (Antelope Valley) and western San Bernardino Counties into separate nonattainment areas. We intend to modify the State's recommendation because we believe this region should continue to be treated as one nonattainment area. The State provided no justification for this split. The areas clearly constitute a single airshed and the designation should reflect this.

San Francisco Bay Area

The State recommended attainment for the San Francisco Bay Area based on air quality data from 2000-2002. Our evaluation shows that, when considering 2001-2003 monitoring data, this area now contains a violating monitor. Therefore, we intend to modify the State's recommendation, as shown in the table above.

The presumptive nonattainment area is the entire CMSA. Given the topographic characteristics along the coast, we believe that north Sonoma County and Santa Cruz County are not part of the San Francisco Bay Area airshed. We therefore do not intend to designate as nonattainment the north Sonoma portion of Sonoma County and Santa Cruz County. We exclude eastern Solano County from the San Francisco Bay Area nonattainment area, because we agree with California's recommendation that eastern Solano County is part of the Sacramento Region airshed. We will therefore designate eastern Solano County nonattainment along with the Sacramento Region nonattainment area. It is important for California to expedite submittal of 2003 monitoring data in order to accurately reflect the air quality in this area because it is critical to the designation and classification process.

Yuba City

The State recommended that this area be attainment. Considering 2001-2003 monitoring data, this area now contains a violating monitor. We intend to designate the entire MSA nonattainment. It is important for California to expedite submittal of 2003 monitoring data in order to accurately reflect the air quality in this area because it is critical to the designation and classification process.