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Jeff Holmstead
May I see response

June 28, 2002

RECEIVED

EXEC. SECRETARIAT

Administrator Christine T. Whitman
USEPA Headquarters 1101A
1200 Pennsylvania Avenue, N.
Washington, DC 20460

Subject: 8-Hour Ozone Designations

Christine

Dear Administrator Whitman:

As USEPA prepares to request that the States submit recommendations for attainment status for counties under the new 8-hour ozone standard, I feel it is important that a transparent process be in place to assure that all nonattainment areas are determined in a consistent and fair manner. It is imperative that the new standard be implemented to assure that all citizens understand what the air quality ion their area is and if their air quality needs to be brought into attainment.

The Wisconsin Department of Natural Resources supports the following principles in the process for implementing the 8-hour ozone standard.

- Due to the health effects associated with exposure to ozone it is critical that EPA act expeditiously to finalize an implementation plan for the 8-hour standard and designate 8-hour nonattainment areas.
- EPA should develop an implementation plan that avoids, to the extent possible, further litigation on the 8-hour standard. To accomplish this, EPA must adhere to the Supreme Court decision and follow the provisions in Subpart 2, Part D of Title 1 in the Act as closely as possible.
- Designations should be made using an updated version of Table 1 in Section 181. The updated version of Table 1 should have 8-hour design values at appropriate levels with the 8-hour level of .081 replacing the 1-hour level of .121 and so on.
- Areas with the same monitored design value should have the same 8-hour classification and the same default attainment date. However, areas that are determined to be recipients of overwhelming transport should have attainment dates commensurate with upwind nonattainment areas or afforded "bump-up" protection as EPA provided for Manitowoc County, WI and Dallas, TX. There is an expectation that overwhelming transport will be dealt with in an expeditious manner.
- Coincident with the final nonattainment area designations for 8-hour ozone standard, EPA should issue a SIP call to all states that contribute to nonattainment in another state. The "transport SIP" should require states with culpable sources to implement highly cost effective emission reductions to mitigate their culpability in downwind nonattainment. Addressing culpability upfront will speed attainment and improve SIP development in nonattainment states.
- States with nonattainment areas should be allowed to account for reductions in transport emissions as part of their attainment demonstrations. The Regional Planning Organizations need to be the initial arbiters on the benefits from upwind emission reductions.

- An area's current designation under the 1-hour standard should not delay final attainment with the 8-hour standard. Giving areas with the same design value different designations and attainment dates makes education and outreach on this important public health topic difficult and may further delay attainment of the new standard.
- Consolidated Metropolitan Statistical Area (CMSA) boundaries should be the presumptive boundaries for nonattainment. CMSA boundaries are determined by an examination of commuter behavior and tied economic activity. States should be allowed to petition the EPA administrator for relief on the presumptive boundaries by clearly demonstrating the alternative boundary will improve SIP planning and will not delay the attainment process.
- New nonattainment areas should adopt all Reasonably Available Control Measures (RACM) to reduce Volatile Organic Compound (VOC) and NOx emissions. Areas that have demonstrated RACM in 1-hour attainment SIPs should have a presumptive finding that RACM is complete. Technological changes may require flexibility on EPA's part in determining which Subpart 2 requirements still make sense for new nonattainment areas.
- Areas that have implemented all appropriate VOC programs for moderate or higher nonattainment areas under the 1-hour standard should be allowed to choose between VOC and NOx emission reductions for all future Rate of Progress (ROP) milestones.

Achieving attainment of the new 8-hour ozone standard will be a huge step forward in protecting public health. I look forward to working cooperatively with EPA as we improve air quality in Wisconsin and throughout the nation.

Sincerely,

Darrell

Darrell Bazzell,
Secretary

cc: Tom Skinner, Administrator
USEPA Region V