

STATE OF MISSOURI Jeremiah W. (Jay) Nixon, Governor Mark N. Templeton, Acting Director
DEPARTMENT OF NATURAL RESOURCES

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March 11, 2009

Mr. William W. Rice
Acting Regional Administrator
U.S. Environmental Protection Agency, Region VII
901 North Fifth Street
Kansas City, KS 66101

Dear Mr. Rice:

Enclosed please find the State of Missouri's ozone nonattainment area recommendations pursuant to the new ozone standard promulgated by the U.S. Environmental Protection Agency (EPA) in March 2008. The final recommendations have been fully vetted through stakeholder discussions, formal public hearing and comment period, and, finally, the Missouri Air Conservation Commission.

The 1990 Clean Air Act Amendments have provided countless benefits for the health and well-being of our citizens. The state implementation plan process has developed health-based standards and emission controls to improve air quality in nonattainment areas.

However, the major revisions adopted by Congress almost 20 years ago do not appear to address many of the issues which Missouri faces today. The 1990 amendments set the ozone standard at 120 ppb. At this level, ozone was clearly an urban area problem. Accordingly, many of the provisions in the Act are well-suited for large metropolitan areas. In 1997, when EPA strengthened the standard to a level of 84 ppb, ozone became more of a regional problem, but one still addressed by many of the approaches for urban areas.

The new 75 ppb standard has made ozone a rural issue. For the 2005 to 2007 period, eighteen of the 19 monitors in the state recorded violations, of which 5 we would describe as in rural areas. Never before has Missouri had violating monitors in rural areas. We will need to expand our network of monitors to track ozone in smaller communities and rural areas adequately.

We are concerned that a significant percentage of the strategies in the Act mandated for certain levels of nonattainment will not be workable, effective, make economic sense, or protective of public health in rural areas. For example, vehicle emissions testing and reformulated gasoline make sense for large urban areas with a large concentration of mobile sources. However, imposing such strategies on rural communities is likely to produce little air quality benefit despite a substantial cost.



Mr. William W. Rice
Page Two

We also want to note that the 1990 amendments did not contemplate climate change or the need to reduce greenhouse gases. Some of the controls that have been used effectively to combat ozone may not have been the best choice when considering the issue of climate change. If efforts to combat ozone and other criteria pollutants are not harmonized with policies aimed at greenhouse gas reduction, we may be working at cross-purposes.

Recognizing that the U.S. EPA must implement the provisions of the Act as they are currently written, I strongly encourage you to consider the implementation issues that are inextricably linked to the designation of nonattainment areas. This consideration is vital in light of the vastly different emission control scenarios currently facing counties across the nation now that the ozone standard is 75 ppb versus 84 ppb. In Missouri, the rural areas in question have begun to undertake serious efforts to closely scrutinize their ozone causing emissions and to develop plans to improve air quality for their citizens. These efforts will allow local communities to develop and to implement the best, most cost-effective options to improve air quality, which will likely be very different than previous urban control efforts. Stepping back, given current discussions regarding energy independence and reduction of greenhouse gases that are occurring on the national level, I believe that the time is right to take a more holistic approach to air quality planning and air pollution regulation.

Your determination regarding the ozone nonattainment areas in Missouri are of critical importance to our citizens and businesses. We are hopeful that after thoughtful consideration of this submittal you will come to the same conclusion as our final recommendation.

Thank you for the opportunity to provide these recommendations. If you have any questions, please contact Jim Kavanaugh at (573) 751-7840.

Sincerely,

DEPARTMENT OF NATURAL RESOURCES



Mark N. Templeton
Director

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Enclosures