UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 N. 5TH STREET
KANSAS CITY, KANSAS 66101

OFFICE OF
THE REGIONAL ADMINISTRATOR

04 DEC 2003

Stephen Mahfood, Director
Missouri Department of Natural Resources
Jefferson State Office Building
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Mr. Mahfood:

On July 8, 2003, we received a request from Missouri to flag the ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas City for the days of April 12 and 13, 2003. In addition, we now have all of the quality assured, ozone air quality data for the Kansas City area for 2003. Our intention is to respond to your nonattainment recommendations for the Kansas City area no later then December 12, 2003. At that time, we will also respond to your request to flag the aforementioned data.

If you have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this matter. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

James B. Gulliford
Regional Administrator

cc: Mrs. Leanne Tippett
Missouri Department of Natural Resources

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THE REGIONAL ADMINISTRATOR

Stephen Mahfood, Director
Missouri Department of Natural Resources
Jefferson State Office Building
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Mr. Mahfood:

Thank you for your letter of August 7, 2003, that contained Missouri's recommendations for air quality designations for the 8-hour national health-based standard for ground-level ozone, and the supplemental materials enclosed with the recommendations which provided additional support for the designations. We will address the Kansas City area recommendations in a separate letter. This letter addresses your recommendations for the areas in Missouri except the Kansas City area. The Missouri Department of Natural Resources' work with the Kansas City and St. Louis communities and with the State of Kansas to develop a community-based recommendation was unique nationally. This working relationship with the communities should be helpful in the future. The State's submittal is the first step in our working cooperatively to designate areas in which the air standards have not been attained and to designate as attainment those areas with clean air.

Consistent with section 107(d)(1) of the Clean Air Act (CAA), this letter is to inform you that the U.S. Environmental Protection Agency (EPA) intends to make modifications to Missouri's recommended designations and boundaries included in your letter of August 7, 2003. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final 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. The EPA guidance indicates that Missouri should use the larger of the Consolidated Metropolitan Statistical Area (CSMA), Metropolitan Statistical Area (MSA), or the 1-hour ozone nonattainment or maintenance area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance then provides 11 factors that Missouri should consider in determining whether to modify the presumptive boundaries. Consistent with this guidance, several basic principles have guided the Agency's efforts to ensure consistent treatment of areas across the country. These principles include the following:

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- Ozone is a Regional problem needing Regionwide solutions; it is not a small area problem. Therefore, small free standing nonattainment areas around a violating monitor are not acceptable.

- A county with a violating monitor within a CMSA or MSA should be designated nonattainment in its entirety unless a thorough justification, based on the 11 factors in our guidance, is provided for including less than the entire county.

- A county with a violating monitor should be designated as nonattainment in its entirety if it is adjacent to a CMSA or MSA. Whether the county should be a free standing nonattainment area or included in the nearby nonattainment CMSA or MSA should be determined on a case-by-case basis. Attaching only a small portion of a violating adjacent county to a nonattainment area, so as to include only the area with the violating monitor, is not acceptable.

- An entire county rather than a partial county should be designated nonattainment unless a thorough justification, based on the 11 factors in our guidance, is provided for including less than an entire county.

- Designation decisions should not provide any incentives for avoiding installation of monitors.

- A county without a violating monitor that is contiguous to a nonattainment area and includes a large emissions source or significant emission sources, whether pending or actual sources, should be presumed to be contributing to the nonattainment area. Such a county should be designated nonattainment unless the sources have in place or are in the process of actually installing Federally enforceable emission controls, and the source or sources are not subject to a trading program. The Federally enforceable controls must be among the most stringent controls that are used on that type of source category.

We have reviewed your supporting information which focused on the 11 factors outlined in our guidance to modify the presumptive nonattainment area. Missouri's recommendation for the St. Louis nonattainment area included five out of the seven areas in the Missouri portion of the St. Louis CMSA. The recommendation did not include any counties adjacent to the CMSA. We intend to modify your recommendation to include St. Genevieve County in the designation. Data provided by the State of Missouri and additional analyses conducted by the EPA, Region 7 indicate that emissions from existing facilities and from projected future growth in St. Genevieve County potentially contribute to the ozone concentrations in the St. Louis area. The enclosure to this letter provides a table in which we identify the counties that should be included in each nonattainment area. Additional detail on our modification is also included.

Working to identify areas in attainment or in nonattainment is an important step in our commitment to achieving clean air in the Region. I am pleased with the progress in improving

air quality for the citizens of Missouri. We look forward to a continued dialog with Missouri before we reach a final decision on the designations for the 8-hour ozone standard next spring. We appreciate your efforts and will carefully review any future supporting information that Missouri wishes to submit on these recommendations. If you should have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this mater. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

James B. Gulliford
Regional Administrator

Enclosure

cc: Mrs. Leanne Tippett
Missouri Department of Natural Resources

ENCLOSURE

The following table identifies the individual areas within the St. Louis, Missouri, area that the EPA intends to designate as nonattainment. Following the table is a description of areas where the EPA intends to modify the Missouri recommendation and the basis for such modification.

Individual Designated Nonattainment Area	Missouri Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
St. Louis, MO-IL	St. Charles, St. Louis, Franklin, and Jefferson Counties and St. Louis City	St. Charles, St. Genevieve, St. Louis, Franklin, and Jefferson Counties and St. Louis City

Modification to Missouri's Recommendations

1. St. Louis Nonattainment Area

We intend to modify the State's recommendation to include St. Genevieve County with the St. Louis nonattainment area. While this county is outside of the presumptive boundary, the Agency's designation principles state that a county without a violating monitor that is contiguous to a nonattainment area and includes a large emissions source or significant emission sources, whether potential or existing sources, should be presumed to be contributing to the nonattainment area. Such a county should be designated nonattainment unless the sources have in place or are in the process of actually installing Federally enforceable emission controls, and the source or sources are not subject to a trading program. The Federally enforceable controls must be among the most stringent controls that are used on that type of source category. St. Genevieve County is adjacent to the presumptive nonattainment area. Due to potential major point source growth in the near term, NO_x emissions are expected to grow by at least 10,670 tons per year. Due to predominant winds, emissions likely contribute to air quality in the St. Louis area. The submittal does not adequately address the level of control of larger sources in the county. Upon review of the current Missouri submittal relative to the 11 factors (particularly meteorology, modeling, level of control, and/or location of the sources), the EPA, Region 7 has determined that Missouri has not established a convincing position that St. Genevieve County should be excluded because of the existence of unaddressed large, potential, and existing emissions sources lacking Federally enforceable state-of-the-science emission controls that are among the most stringent used on that type of source category. If you would like to provide additional information about the area in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations by April 15, 2004.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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12 DEC 2003

OFFICE OF
THE REGIONAL ADMINISTRATOR

Stephen Mahfood, Director
Missouri Department of Natural Resources
Jefferson State Office Building
P.O. Box 176
Jefferson City, MO 65102-0176

Dear Mr. Mahfood:

Thank you for your letter of August 7, 2003, that contained Missouri's recommendations for air quality designations for the 8-hour national health-based standard for ground-level ozone, and the supplemental materials enclosed with the recommendations which provided additional support for the designations. This letter addresses your recommendations for the Kansas City area and is the response we promised in our letter to you of December 4, 2003.

On July 8, 2003, we received a request from Missouri to "flag" the ozone air quality data collected at the Liberty, Watkins Mill, and Rocky Creek monitoring sites in Kansas City for the days of April 12 and 13, 2003. We have considered Missouri's request and believe that, under the specific and limited conditions surrounding the April 12 and 13, 2003, data, the data can be flagged. We reach this conclusion based upon additional information we have developed. We will provide your staff with our technical response to Kansas' request in a separate letter.

Your July 15, 2003 recommendation of nonattainment is based on air quality data from 2000 through 2002. Because the data from the 2003 ozone season have now been quality assured, we believe it is appropriate to consider the more recent data. The U.S. Environmental Protection Agency (EPA) believes, on the basis of the 2001 through 2003 ambient air quality data showing attainment of the standard, that the Kansas City area is eligible for an attainment designation and that your recommendation should be modified accordingly. Therefore, if you agree with our evaluation that the more recent data support an attainment designation, we are providing an opportunity for the State to modify its recommendation from nonattainment to attainment by February 6, 2003 so we can make the appropriate final designation by April 15, 2004.

Lacking modification of your earlier recommendation, we would assume that the State elects to retain the nonattainment designation. Therefore, I would like to describe how we would intend to modify the State's boundary recommendation for the Kansas City area if the EPA

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should designate the area as a nonattainment area. Our intent would be to modify your recommendation to include all of Cass County as part of the designated nonattainment area. Data provided by Missouri and additional analysis conducted by the EPA, Region 7 indicate that emissions from all of Cass County potentially contribute to the Kansas City ozone concentrations. The enclosure to this letter provides additional information. Please submit any comments you may have concerning the appropriate boundaries by February 6, 2004.

Regardless of the final designation, we believe it is critical that the Kansas City area continue to achieve reductions in ozone precursor emissions and to assess its air quality to ensure that health-based standards are protected. If you should have any questions, please do not hesitate to call me at (913) 551-7006 to further discuss this mater. Alternately, you may contact Art Spratlin of my staff, who may be reached at (913) 551-7401.

Sincerely,

James B. Gulliford
Regional Administrator

Enclosure

cc: Mrs. Leanne Tippett
Missouri Department of Natural Resources
Governor Kathleen Sebelius
State of Kansas
Mr. Roderick L. Bremby
Kansas Department of Health and Environment

ENCLOSURE

If the final decision were to designate the Kansas City area as a nonattainment area, the following table identifies the individual areas within Kansas City, Missouri, area that the EPA would intend to designate as nonattainment area. The basis for such a modification follows the table.

Individual Designated Nonattainment Area	Missouri Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
Kansas City, MO-KS	Northern portion of Cass Clay, Jackson, and Platte Counties	Cass, Clay, Jackson, and Platte Counties

Modification to Missouri's Recommendations for the
Kansas City, Missouri, Area

We would intend to modify the State's recommendation to include the portion of Cass County in the Kansas City nonattainment area which was excluded in the State recommendation. While the northern portion of Cass County was recommended, we believe it is appropriate to include the entire area of Cass County. The EPA believes that breathing unhealthful levels of ozone is a serious Regional air pollution problem. Except in very limited circumstances, such as when counties are unusually large or when portions of a county lie 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 either not experiencing or is not contributing to a violation in a nearby area, designating the full county as nonattainment is the appropriate designation. The county is within the presumptive nonattainment area. VOC and NO_x emissions within the county amount to 4 percent and 3 percent of the emissions in the CMSA. Due to predominately south winds, emissions throughout Cass County are likely to contribute to the air quality of the Kansas City area. Upon review of the current Missouri submittal relative to the 11 factors (particularly meteorology, modeling, level of control, and/or location of the sources), the EPA, Region 7 has determined that Missouri has not established a convincing position that only the northern portion of Cass County should be designated and the southern portion of Cass County should be excluded.