

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

DEC 08 2011

OFFICE OF
THE REGIONAL ADMINISTRATOR

The Honorable Sam Brownback
Governor of Kansas
State Capitol Building
Topeka, Kansas 66612

Dear Governor Brownback:

Thank you for your recommendations dated February 6, 2009, as revised October 26, 2011, on air quality designations for the revised 2008 National Ambient Air Quality Standards for ozone. This letter is to notify you of the EPA's preliminary response to Kansas' recommendations and to inform you of our approach for completing the designations for the revised ozone standards.

On March 12, 2008, the EPA revised its national ambient air quality standards for ground-level ozone to provide increased protection of public health and the environment. The EPA lowered the primary 8-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm to protect against health effects associated with ozone exposure, including a range of serious respiratory illnesses and increased premature death from heart or lung disease. The EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems.

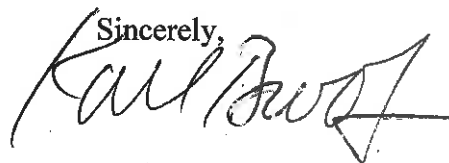
History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, the EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, the EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution. Within one year after a new or revised air quality standard is established, the Clean Air Act requires the Governor of each state to submit to the EPA a list of all areas in the state, with recommendations for whether each area meets the standard. As a first step in implementing the 2008 ozone standards, the EPA asked states to submit their designation recommendations, including appropriate area boundaries, by March 12, 2009. In September 2009, the EPA announced it was reconsidering the 2008 ozone standards. The EPA later took steps to delay the designation process for the 2008 ozone standards pending outcome of the reconsideration. However, in September 2011, the Office of Management and Budget returned to EPA the draft final rule addressing the reconsideration of the 2008 ozone standards.

On September 22, 2011, the EPA restarted the implementation effort by issuing a memorandum to clarify for state and local agencies the status of the 2008 ozone standards and to outline plans for moving forward to implement them. The EPA indicated that it would proceed with initial area designations for the 2008 standards, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008-2010. While the EPA did not request that states submit updated designation recommendations, the EPA provided the opportunity for states to do so. Thank you for the October 26, 2011 updated designation recommendation based on your assessment of 2008-2010 air quality data.

As required by the Clean Air Act, the EPA will designate an area as nonattainment if it is violating the 2008 ozone standards or contributing to a violation of the standards in a nearby area. Consistent with designations for previous ozone standards, the EPA intends to designate an area as unclassifiable/attainment if there are certified, quality-assured air quality monitoring data showing the area is meeting the ozone standards or there are no monitoring data for the area, and the EPA has not made a determination that the area is contributing to a violation in a nearby area.

After considering Kansas' October 26, 2011 ozone designation recommendations and 2008-2010 air quality data, the EPA intends to support Kansas' recommendations to designate the entire state of Kansas as unclassifiable/attainment.

The EPA is committed to working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce ozone-forming pollution and will protect public health in communities across the country. We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 ozone standards. Should you have any questions please feel free to contact me at (913) 551-7006 or have your staff contact Sarah Hatch, State Governmental Liaison, at (913) 551-7199.

Sincerely,


Karl Brooks

cc: Dr. Robert Moser, MD, Secretary, Kansas Department of Health & Environment
Rick Brunetti, Director, Bureau of Air and Radiation
Gina McCarthy, Assistant Administrator for Air and Radiation
Stephen D. Page, Director, Office of Air Quality Planning and Standards