

US EPA ARCHIVE DOCUMENT

**STATE OF TENNESSEE****DON SUNDQUIST**  
GOVERNOR

June 30, 2000

Mr. John H. Hankinson, Jr.  
Regional Administrator  
US EPA Region IV  
Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303

Re: Clean Air Act - Eight-Hour Ozone NAAQS Designations

Dear Mr. Hankinson:

I am writing regarding the Environmental Protection Agency's position under Section 107(d)(1)(A) of the Clean Air Act requiring designation of areas for the eight-hour ozone National Ambient Air Quality Standard established in 1997. This new ozone standard has been challenged by various parties in the federal courts. The United States Court of Appeals for the District of Columbia Circuit has rendered an opinion in *American Trucking Association, Inc. v. E.P.A.*, 175 F. 3d 1027, on rehearing 195 F. 3d 4 ( D.C. Cir. 1999) that does not allow your agency to enforce the new standard. Because of the litigation under way at this time, the submission of this letter does not waive any legal challenges or objections that the State of Tennessee may subsequently make in regard to the validity of this standard and the process by which the EPA is seeking its implementation.

Subject to the above, I am submitting a list of all counties in Tennessee, designating each of these counties as attainment/unclassifiable or nonattainment for the eight-hour ozone National Ambient Air Quality Standard. I am designating as attainment/unclassifiable all counties of the state where there is no monitoring data documenting a violation of the ozone standard for the years 1997 through 1999. I am designating as nonattainment all counties of the state with a documented violation of the standard for this same monitoring period.

It is premature to specify accurately the counties that may contribute to ozone nonattainment monitored in the state. EPA is presently unable to approve a modeling plan for demonstrating attainment with the eight-hour ozone standard. This inability is evidenced by EPA's refusal to approve the proposed ATMOS modeling. It is prudent to

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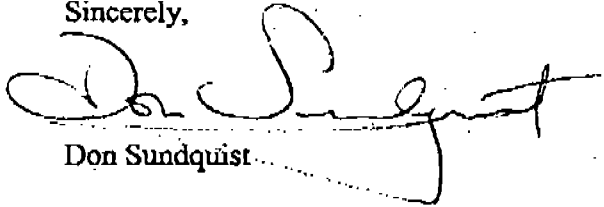
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await the results of approved attainment demonstration modeling. This modeling is needed to determine which additional counties, if any, contribute to the nonattainment problems of the state. Simply assuming that all counties of an MSA contribute to a monitored violation of the ozone standard in any one county of the MSA is not scientifically sound judgment. Tennessee's Air Pollution Control Director, Barry Stephens, will be in contact with your technical staff to provide additional information which will support my designations of attainment and nonattainment in the state of Tennessee.

I want to emphasize that Tennessee will protect the public from the adverse effects of air pollution and comply with federal law. Tennessee pledges to continue its work with the ATMOS project to develop the sound science to determine the emission reductions needed to attain and maintain the federal ozone standard, and then to implement the measures necessary to achieve those reductions.

If there are any questions about this matter, please feel free to contact Mr. Stephens.

Sincerely,



Don Sundquist

enclosures

cc: Linda Anderson-Carnahan – EPA Region IV  
Tennessee Air Pollution Control Board Members  
Tennessee Department of Environment & Conservation  
Tennessee Department of Economic & Community Development  
Tennessee Department of Transportation  
Southern Governors' Association  
County Executives of Proposed Nonattainment Counties  
Tennessee Local Air Pollution Control Programs

**Eight-Hour Ozone NAAQS  
Attainment/Unclassifiable and Nonattainment Areas  
State of Tennessee**

June 30, 2000

| Designated area            | Designation                    |
|----------------------------|--------------------------------|
| Chattanooga Area:.....     |                                |
| Hamilton County.....       | Nonattainment.....             |
| Haywood County Area:.....  |                                |
| Haywood County.....        | Nonattainment.....             |
| Knoxville Area:.....       |                                |
| Anderson County.....       | Nonattainment.....             |
| Blount County.....         | Nonattainment.....             |
| Jefferson County.....      | Nonattainment.....             |
| Knox County.....           | Nonattainment.....             |
| Sevier County.....         | Nonattainment.....             |
| Lawrence County Area:..... |                                |
| Lawrence County.....       | Nonattainment.....             |
| Memphis Area:.....         |                                |
| Shelby County.....         | Nonattainment.....             |
| Nashville Area:.....       |                                |
| Davidson County.....       | Nonattainment.....             |
| Rutherford County.....     | Nonattainment.....             |
| Sumner County.....         | Nonattainment.....             |
| Williamson County.....     | Nonattainment.....             |
| Wilson County.....         | Nonattainment.....             |
| Putnam County Area:.....   |                                |
| Putnam County.....         | Nonattainment.....             |
| Tri-Cities Area:.....      |                                |
| Sullivan County.....       | Nonattainment.....             |
| Rest of State.....         | Unclassifiable/Attainment..... |