

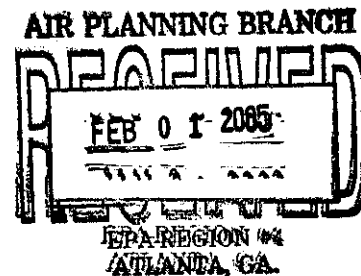
ERNIE FLETCHER
GOVERNOR



LAJUANA S. WILCHER
SECRETARY

COMMONWEALTH OF KENTUCKY
ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION FOR AIR QUALITY
803 SCHENKEL LN
FRANKFORT, KY 40601-1403

January 24, 2005



Beverly Banister, Director
Air, Pesticides, and Toxics Management Division
U.S. EPA Region 4
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Dear Ms. Banister:

In the *Federal Register* final rule that was published January 5, 2005, the U. S. Environmental Protection Agency indicated that PM_{2.5} nonattainment areas would be effective on April 5, 2005. Included in this list of proposed nonattainment areas were Fayette County and a portion of Mercer County, Kentucky.

A review of the 2004 data for PM_{2.5} for Fayette County has been performed, and the data has been quality assured and certified, and entered into the federal database. The following summarizes the PM_{2.5} data (in micrograms per cubic meter) for both fine particulate monitors in Fayette County:

	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>3-Yr Design Value</u>
Newtown	15.08	13.79	13.45	14.11
Limestone	15.56	15.03	14.32	14.97

Thus, the most current monitoring data for both locations in Fayette County indicates that the area is attaining the fine particulate standard. No monitoring data is collected in Mercer County.

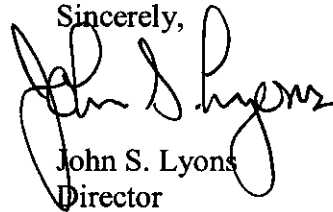
Per the above noted *Federal Register*, page 948, Section VIII, Kentucky is therefore requesting that Fayette County be removed from the list of nonattainment areas and be designated as attainment for the PM_{2.5} standard, effective April 5, 2005. Further, since EPA also included the census block portion of Mercer County that contains the Kentucky Utilities' E. W. Brown Facility, we are also requesting that it too be removed from the nonattainment list and designated as attainment, effective April 5, 2005.



Beverly Banister
Page Two
January 21, 2005

If you have any questions regarding this matter, please feel free to contact me or either Ms. Lona Brewer or Mr. John Gowins of my staff at (502) 573-3382.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Lyons". The signature is fluid and cursive, with the first name "John" being the most prominent.

John S. Lyons
Director

JSL/SMW.
attachments

cc: Kay Prince

county. We analyzed the information provided by each State or Tribe in its recommendation letter, subsequently submitted information, and any other pertinent information available to EPA, in order to determine whether a county should be designated nonattainment. We evaluated each State's or Tribe's designation recommendation in light of the nine factors, bringing to bear our best technical and policy judgement. If the result of the evaluation showed that a county, whether inside or outside of the CMSA or MSA contributes to the violation in a nearby area with a violating monitor, we designated the area as nonattainment.

In a small number of areas, EPA concluded that there was insufficient information to designate a given area as either nonattainment or attainment/unclassifiable. In these instances, we have designated the area as unclassifiable. In each instance, these areas had violating monitors for the years 2000-2002, but incomplete data or other data issues for the years 2001-2003. Further explanation of the unclassifiable designations may be found in the TSD for this action.

The EPA did not rely on planned or potential regional PM2.5 reduction strategies in making decisions regarding nonattainment designations, even if those strategies predict that an area may attain the standard in the future. We recognize that some areas with a violating monitor may be projected to come into attainment in the future without additional local emission controls because of State and/or national programs that will reduce transported emissions. However, the CAA requires EPA to make nonattainment designations based on current data. While we cannot consider projected future attainment in determining current designations, we intend to expedite the redesignation of areas to attainment once they monitor clean air quality. We also intend to apply our policy which streamlines the planning process for nonattainment areas that are meeting the NAAQS but are not yet redesignated to attainment.³

Today's designation action is a final rule which establishes designations for all areas of the country for the PM2.5 NAAQS. In this action, we have added regulatory text to provide for the amendment of 40 CFR part 81 to identify the designation of areas across the country for the PM2.5 standard.

VIII. Has EPA Used 2004 Air Quality Data?

The final PM2.5 designations announced in today's action are based upon air quality data for calendar years 2001 through 2003. Over the course of the designations process, a number of States have provided comments to EPA suggesting that the agency should delay designations in order to permit consideration of additional air quality data from 2004 as a part of the designation decision. As discussed above, EPA must by law make the designations by December 31, 2004. This statutory deadline and the practical difficulties of obtaining complete,⁴ quality assured, certified data for calendar year 2004 by December 31, 2004, have precluded EPA from using 2004 data for today's action. Under normal circumstances, we would not expect such data to be available for some time following the end of the calendar year, and under the applicable regulations States would not be required to have submitted such data until April 1, 2005, and would not be required to have certified such data until July 1, 2005. However, because we are promulgating the designations so near the end of calendar year 2004, and because complete, quality assured, certified 2004 data may become available for some areas quickly, we are interested in providing a process by which we could utilize 2004 data where possible in the designation process.

We have provided that the final PM2.5 designations announced in today's action will be effective on the date 90 days following the date of publication. If any State submits complete, quality assured, certified 2004 data to EPA by February 22, 2005, that suggest that a change of designation status is appropriate for any area within that State, and we agree that a change of designation status is appropriate, then we will withdraw the designation announced in today's action for such area and issue another designation that reflects the inclusion of 2004 data. We emphasize that we will conduct this process only for those States that submit the necessary complete, quality assured, certified data by the deadline and in those instances where we can complete the analysis and effect the change of designation status before the original effective date established by today's final action.

If inclusion of 2004 data causes an area to change from nonattainment to attainment, EPA will change the designation if every county in the area is neither monitoring a violation of the standards nor contributing to a violation of the standards in another nearby area. If inclusion of 2004 data results in nonattainment in an area that was designated attainment, we will evaluate the reasons for the violation in the area and determine the appropriate course of action, which could include redesignation of the area to nonattainment. Also, EPA commits to evaluate 2004 data for unclassifiable areas when it receives complete, quality assured, certified data from the State, which is due no later than July 2005. At that time, EPA will determine whether a change of designation for an unclassifiable area is appropriate.

IX. How Do Designations Affect Indian Country?

All counties, partial counties or Air Quality Control Regions listed in the table at the end of this document are designated as indicated, and include Indian Country geographically located within such areas, except as otherwise indicated in the table.

As mentioned earlier in this document, EPA's guidance for determining nonattainment area boundaries presumes that the CMSA or MSA monitor forms the presumptive boundary of the nonattainment areas but that the size of the area can be larger or smaller depending on contribution to the violation from nearby areas and other air quality-related technical factors. In general, and consistent with relevant air quality information, EPA intends to include Indian country encompassed within the presumptive CMSA or MSA boundaries as within the boundaries of the area for designation purposes, in order to protect public health and welfare. The EPA anticipates that in most cases, relevant air quality information will indicate that areas of Indian country located within CMSAs or MSAs should have the same designation as the surrounding area. However, based on the nine factors outlined in our guidance, there may be instances where a different designation is appropriate.

A State recommendation for a designation of an area that surrounds Indian country does not indicate the designation for Indian country. However, the conditions that support a State's designation recommendation, such as air quality data at the location of the sources, may indicate the likelihood that similar conditions exists for the Indian country located in that

³ See "Clean Data Policy for the Fine Particle National Ambient Air Quality Standards" memorandum to Air Division Directors, Regions I-X from Steve Page, Director, Office of Air Quality Planning and Standards, December 14, 2004.

⁴ Fine particle monitoring data is to be determined as "complete" according to data handling regulations for the PM2.5 standards in 40 CFR Part 50, Appendix N (62 FR 138, July 18, 1997).

UNITES STATES ENVIRONMENTAL PROTECTION AGENCY
 AIR QUALITY SYSTEM
 QUICKLOOK CRITERIA PARAMETERS

Attachment #2

User ID: NOQ

Report Request ID: 200155 Report Code: AMP450 Jan. 21, 2005

GEOGRAPHIC SELECTIONS

State	County	Site	Parameter	POC	City	AOCR	UAR	MSA	CMSA	Region	Zip Code	Method	Duration	Begin Date	End Date
21	067	0012		1						EPA				2002	2004
21	067	0014		1										2002	2004

PROTOCOL SELECTIONS

Parameter Classification	Parameter	Method	Duration

CRITERIA 88101

SELECTED OPTIONS

Option Type	Option Value
EVENTS PROCESSING	EXCLUDE REGIONALLY CONCURRED EVENTS
MERGE PDF FILES	YES

SORT ORDER

Order	Column
1	PARAMETER_CODE
2	STATE_CODE
3	COUNTY_CODE
4	SITE_ID
5	POC
6	DATES
7	EDT_ID

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

Jan. 21, 2005

EXCEPTIONAL DATA TYPES

EDT	DESCRIPTION
0	NO EVENTS
1	EVENTS EXCLUDED
2	EVENTS INCLUDED
3	EXCEPTIONAL EVENTS EXCLUDED
4	NATURAL EVENTS EXCLUDED
5	EVENTS WITH CONCURRENCE EXCLUDED
6	EXCEPTIONAL EVENTS WITH CONCURRENCE EXCLUDED
7	NATURAL EVENTS WITH CONCURRENCE EXCLUDED

Note: The * indicates that the mean does not satisfy summary criteria.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 AIR QUALITY SYSTEM
 QUICK LOOK REPORT (AMP450)

Jan. 21, 2005

PM2.5 - Local Conditions (88101)
 24-HOUR

Kentucky

UG/CU Meter (LC) (105)

SITE ID	P O C	REP ORG	CITY	COUNTY	ADDRESS	YEAR	METH	#OBS	1ST MAX	2ND MAX	3RD MAX	4TH MAX	98TH PERCENTILE		WTD	
													VALUE	MEAN	ARITH	CERT EDI
21-067-0012	1	0584	Lexington-FayeFayette	Fayette	650 NEWTOWN P.2002	2002	118	115	56.0	53.3	41.6	33.2	41.6	15.08	Y	0
21-067-0012	1	0584	Lexington-FayeFayette	Fayette	650 NEWTOWN P.2003	2003	118	109	28.9	28.6	28.3	28.0	28.3	13.79	0	0
21-067-0012	1	0584	Lexington-FayeFayette	Fayette	650 NEWTOWN P.2004	2004	118	114	33.0	30.3	29.1	28.6	29.1	13.45	0	0
21-067-0014	1	0584	Lexington-FayeFayette	Fayette	533 S LIMESTOI2002	2002	118	115	51.9	49.9	41.0	34.1	41.0	15.56	Y	0
21-067-0014	1	0584	Lexington-FayeFayette	Fayette	533 S LIMESTOI2003	2003	118	104	43.6	30.0	29.1	28.6	29.1	15.03*	0	0
21-067-0014	1	0584	Lexington-FayeFayette	Fayette	533 S LIMESTOI2004	2004	118	121	32.5	30.7	29.2	29.0	29.2	14.32	0	0

Note: The * indicates that the mean does not satisfy summary criteria.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

Jan. 21, 2005

METHODS USED IN THIS REPORT

PARAMETER	METHOD CODE	COLLECTION METHOD	ANALYSIS METHOD
88101	118	R & P MODEL 2025 PM2.5 SEQUENTI	GRAVIMETRIC

Note: The * indicates that the mean does not satisfy summary criteria.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
AIR QUALITY SYSTEM
QUICK LOOK REPORT (AMP450)

Jan. 21, 2005

REPORTING ORGANIZATIONS USED IN THIS REPORT

REPORTING ORGANIZATION CODE	AGENCY DESCRIPTION
0584	Kentucky Division For Air Quality

Note: The * indicates that the mean does not satisfy summary criteria.

