



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 5 2005

THE ADMINISTRATOR

Robert G. Burnley, Director  
Department of Environmental Quality  
Commonwealth of Virginia  
629 East Main Street  
Richmond, Virginia 23219

Dear Mr. Burnley:

By a letter dated February 18, 2005, you filed a Petition for Reconsideration ("Petition") of the Environmental Protection Agency's (EPA's) January 5, 2005, Final Rule promulgating designations and boundaries for areas of the United States, including Virginia, with respect to the National Ambient Air Quality Standards (NAAQS) for fine particles (PM<sub>2.5</sub>) in accordance with the requirements of the Clean Air Act (CAA) (the "PM<sub>2.5</sub> NAAQS Designations Final Rule"). See *70 Federal Register* 944. The Petition requests that EPA reconsider the designation of certain Northern Virginia jurisdictions as part of the Washington, D.C. nonattainment area. By this letter, EPA is denying your Petition.

The Petition requests that EPA reconsider the nonattainment designation for Virginia jurisdictions included in the Washington, D.C. nonattainment area. The Petition asserts "that ambient air quality data should be used first and foremost in making jurisdictional designation decisions." In support of this assertion, the Petition included updated ambient air quality data which are similar in nature to data which EPA already reviewed in the context of its "nine factor analysis" (described below). Finally, the Petition questions the benefit of a nonattainment designation for Virginia because future local control measures have not yet been identified.

As you are aware, Section 107(d)(1)(A)(i) of the CAA directs EPA to designate as nonattainment "... any area that does 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" (hereinafter referred to as a "nonattainment area"). See 42 U.S.C. § 7407(d)(1)(A)(i). EPA's April 1, 2003 guidance entitled "Designations for the Fine Particle Standard," and February 13, 2004 supplemental guidance entitled "Additional Guidance on Defining Area Boundaries for PM<sub>2.5</sub> Boundaries," set forth EPA's presumption that the boundaries for urban nonattainment areas, such as Washington, D.C., should be based on the metropolitan area boundaries as defined by the U.S. Office of Management and Budget (OMB). This guidance also presented nine factors that EPA will consider when assessing whether to exclude portions of a

metropolitan statistical area (“MSA”) and whether to include additional nearby areas outside a MSA as part of the designated nonattainment area (“the nine factor analysis”).

As defined by OMB, the boundaries of the Washington, D.C. MSA encompass seventeen (17) counties, or jurisdictions, located within the Commonwealth of Virginia. In accordance with EPA’s April 1, 2003 and February 13, 2004 guidances, EPA evaluated the relevant data pertinent to each jurisdiction, in the context of the nine factors. Based upon such evaluation, EPA determined that the following nine Virginia jurisdictions, located within the Washington, D.C. MSA, are contributing to a violation of the PM<sub>2.5</sub> NAAQS: Arlington County; the City of Alexandria; Fairfax County; the City of Fairfax; the City of Falls Church; Loudoun County; the City of Manassas; the City of Manassas Park; and, Prince William County. EPA also determined that the following eight Virginia jurisdictions, located within the Washington, D.C. MSA, are not contributing to a violation of the PM<sub>2.5</sub> NAAQS: Clarke County; Culpeper County; Fauquier County; Fredericksburg County; King George County; Spotsylvania County; Stafford County; and Warren County. Summaries of data evaluated and EPA’s evaluation of such data are found in section 6.3.3.3 of the Technical Support Document (TSD). Although the Petition does not specifically identify any of the above jurisdictions, it is EPA’s understanding that the Petition seeks: 1) EPA’s review of the newly submitted ambient air quality data; and 2) EPA’s reconsideration of its determination solely with respect to the above identified nine Virginia nonattainment jurisdictions.

EPA recognizes that the newly submitted ambient air quality data reflects improvement in ambient air quality within the overall Washington, D.C. nonattainment area. The 2002 - 2004 ambient air quality data for the violating monitor in Washington D.C., as you noted, is currently relatively close to attainment of the NAAQS. However, until the entire area is monitoring attainment, the area is considered in nonattainment. The CAA requires inclusion of areas “contributing” to the violation irrespective of the degree of violation. In the context of the entire nine factor analysis, the inclusion of 2004 data does not negate EPA’s determination that the above identified Virginia jurisdictions contribute to the violations of the PM<sub>2.5</sub> NAAQS within the Washington, D.C. nonattainment area. Although the Petition encourages EPA to rely “predominately” on available ambient air quality data, EPA has determined that it is more appropriate to use a multi-factor approach to assess the extent to which a portion of a metropolitan area is contributing to a violation of the PM<sub>2.5</sub> NAAQS within such area.

Finally, the Petition suggests that the inclusion of the Virginia jurisdictions (or cities and counties) in the nonattainment area should be reconsidered because a significant portion of the emissions from these counties derive from mobile sources that may not be readily amenable to control. EPA believes that there are other types of emission sources within the designated nonattainment area. In addition, there are strategies available for reductions of mobile source emissions. Through the process of developing the nonattainment area State Implementation Plan (SIP), Virginia and EPA

will have an opportunity to determine the appropriate mix and degree of controls. EPA looks forward to working with Virginia representatives during the attainment planning process in order to develop comprehensive attainment plans, including identifying future local emission control strategies.

EPA understands Virginia's preference for removing its jurisdictions from the Washington D.C. nonattainment area, and the Agency appreciates your commitment to continued improvement of air quality. However, your letter did not provide information that persuades EPA to reconsider its previous designation decision. Therefore, your Petition for reconsideration is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Johnson", written over the printed name.

Stephen L. Johnson

cc: W. Tayloe Murphy, Jr.  
Secretary, Department of Environmental Quality