

Georgia Department of Natural Resources

Environmental Protection Division, Air Protection Branch

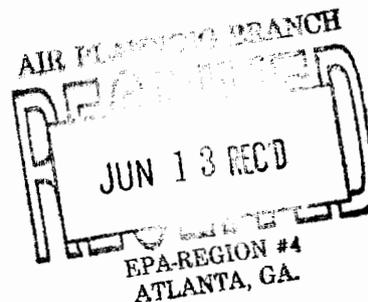
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Noel Holcomb, Commissioner

Carol A. Couch, Ph.D., Director

June 10, 2005



Honorable Stephen L. Johnson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Petition for Reconsideration of PM 2.5 Nonattainment Designation for Chattanooga Area

Dear Administrator Johnson:

As you know, EPA has designated several counties in the Chattanooga area, including Catoosa and Walker counties in Georgia, as nonattainment for the PM 2.5 air quality standard. We appreciate the opportunity EPA provided for submitting more current monitored PM 2.5 data prior to EPA finalizing its PM 2.5 designations April 5. We also appreciate your willingness to allow further review and reconsideration of the additional information for the Chattanooga area.

Attached is a *Petition for Reconsideration of EPA's Designation of PM 2.5 Nonattainment of the Chattanooga Area, Including Catoosa and Walker Counties in Georgia and Hamilton County in Tennessee*. This petition provides additional analysis of the PM 2.5 monitoring data that we believe EPA needs to consider, given the uncertainty of the data EPA has used to take the nonattainment action. In the technical support documents for the April 5 action, EPA indicated agreement with some of the days requested for data flagging and disagreement with others. Since that time we have further analyzed this data and request EPA to reanalyze the information transmitted in this petition. We believe that this new analysis confirms our initial request to designate the area as unclassifiable.

Also included is information on the Chattanooga Early Action Compact compared with others, based on information that was only available following EPA's April 5, 2005 action. A review of this action indicates that there are 14 8-hour ozone nonattainment areas in the country that have approved Early Action Compacts. Of those 14, only four have also been designated nonattainment for PM 2.5 as of the April 5 EPA action, including the Chattanooga area. The Chattanooga area is unique in that it is the only ozone Early Action Compact area that has been designated nonattainment for PM 2.5 despite issues relating to flagged data and data completeness. It is the only ozone Early Action Compact area that has taken the necessary steps to plan for and implement control measures to achieve federal ozone air quality standards early. However, despite questions regarding whether the monitoring data appropriately supports that action, it has been designated nonattainment for PM 2.5. Note that both Catoosa and Walker Counties

are participants in this Compact and intend to move aggressively to achieve federal air quality standards with or without a nonattainment designation.

Through its Early Action Compact for ozone, the Chattanooga area is taking proactive and extraordinary steps to control emission sources and get cleaner air sooner, including a vehicle emissions inspection program in Hamilton County and other new control measures in the Georgia and Tennessee counties. EPA's recent June 2, 2005 proposal to continue the deferral of ozone nonattainment requirements in the area conforms that they are on the right track and committed to this process. I am confident that if EPA had provided a similar Early Action Compact approach for PM 2.5 the community would have taken advantage of that opportunity. Instead, despite their proactive approach, they are facing a nonattainment designation, which runs counter to the spirit and purpose of the Early Action Compact approach.

We request that EPA reconsider all of this new information and use its discretion to revise the designation status for Chattanooga and the Walker/Catoosa area as unclassifiable. Given the additional analysis, continuing unknowns, and Early Action Compact proactive controls, EPA should designate the area as unclassifiable based on the lack of three complete years of data. We are ready to meet and discuss this petition and the additional technical analysis with EPA as necessary. Time is of the essence for EPA action.

On behalf of the State of Georgia and its citizens, we thank you for your reconsideration of this matter.

Sincerely,



Carol A. Couch, Ph.D.
Director
Environmental Protection Division

cc: Governor Sonny Perdue
Senator Johnny Isakson
Congressman Nathan Deal
State Senator Jeff Mullis
State Representative Jay Neal
State Representative Ronald Forster
Mr. Jeffrey R. Holmstead
Mr. Jimmy Palmer
Commissioner Bebe Heiskell, Walker County
Commissioner Bill Clark, Catoosa County
Mr. J. Olney Meadows, Director, Catoosa Economic Development

**Joint Petition for Reconsideration of EPA's Designation of PM 2.5
Nonattainment for the Chattanooga Area, Including Catoosa and
Walker Counties in Georgia and Hamilton County in Tennessee**

June 10, 2005

1. Background

This analysis is presented in support of the Petition for Reconsideration of EPA's PM 2.5 nonattainment designation for the Chattanooga area, including Catoosa and Walker Counties in Georgia and Hamilton County in Tennessee.

EPA should reconsider this action based on the technical analysis of PM 2.5 monitoring data contained in this document, including the special circumstances related to the Early Action Compact status of the Chattanooga area.

The United States Environmental Protection Agency (EPA) has promulgated a new Fine Particle National Ambient Air Quality Standard (PM2.5). Section 107 (d)(1) of the Clean Air Act requires each state to submit to the EPA its recommended designation of each area of the State as attainment/unclassifiable or nonattainment under the standard.

Despite the recommendations submitted by Georgia, Tennessee, and Hamilton County, Tennessee, and questions regarding flagged PM 2.5 monitoring data, on January 5, 2005, EPA promulgated designations for the new Fine Particle National Ambient Air Quality Standard (PM2.5), designating Hamilton County in Tennessee and Catoosa and Walker counties in Georgia as nonattainment.

Leading up to this action, and since that time, Georgia, Tennessee, and Hamilton County have been analyzing the PM 2.5 monitoring data in the area and have determined that PM 2.5 concentrations in the Chattanooga area have been influenced by fires well outside the region. The review of the data indicated that if even some of this flagged data was not considered, the Walker County site would demonstrate attainment, which should have influenced how EPA considered all the other relevant factors it used in taking its final action January 5.

Georgia, Tennessee, and Hamilton County continued to work with EPA closely through April 5 to ensure that EPA had all the data and information required to address this issue.

2. EPA Actions

In its April 5 action, EPA acknowledged the requests to EPA to invalidate samples for 25 days at monitors in Hamilton County, TN and Walker County, GA. These requests were based on analysis that these sites were impacted by various fire events occurring in locations such as Kansas, Alaska, and Canada. However, EPA disapproved the requests, determining that there was insufficient evidence to show impacts from fire events for at least seven of the flagged days in question.

Chattanooga claimed that if all such days were invalidated, then the Hamilton County, TN monitors would have incomplete data and could not remain designated as nonattainment. Georgia contended that if these samples were invalidated, the Walker County, GA monitor would then attain the standards. In addition, Georgia has maintained that if Walker County attains the standard, then the status for Catoosa County should be

changed to attainment because the Georgia analysis concluded that its contribution to nonattainment does not extend to Hamilton County, TN. The EPA concluded that Catoosa County contributes to both Hamilton and Walker Counties based upon evaluation of the factors applied by EPA in the initial designation decision.

EPA reviewed the data for the 25 days in question and the supporting information provided. Previously, EPA disapproved the request to invalidate 10 days in 2002. For the 15 days in 2003 and 2004 requested to be invalidated due to fire impacts, EPA determined that there was insufficient evidence to show impacts from the fire events for at least 7 of these days, and disapproved the requests to invalidate air quality data for those days.

The EPA determined that it was not necessary to reach a final conclusion with respect to the remaining 8 flagged days. EPA concluded that even if it were appropriate to invalidate the data from all of the remaining days, the monitor in Hamilton County, TN would still violate the PM_{2.5} standards for 2002-2004 with a design value of 15.4. Assuming validation of all 7 days, the monitor in Walker County, GA would attain the standard at 14.8. However, EPA concluded that even though the Walker County monitor would be below the level of the standard, Walker County contributes to the Hamilton County, TN monitor, requiring the inclusion of that county in the nonattainment area.

Thus, even if it was appropriate to invalidate all of the remaining 8 flagged days, EPA determined that at least one county in the Chattanooga nonattainment area would continue to have a violating monitor. Because EPA concluded that there would be a continuing violation at one monitor in the area, and because EPA concluded that there is continued contribution from the other counties to the violating monitor, EPA determined that the area still would violate the standard even if all additional flagged days were invalidated. Moreover, EPA concluded that any uncertainty concerning the possible invalidation of the remaining flagged days was not an appropriate basis for designating the area unclassifiable. For these reasons, EPA's April 5 action did not modify the nonattainment status of Hamilton County in Tennessee or Walker or Catoosa Counties in Georgia.

EPA did not:

- Complete analysis and action on the remaining requested flagged days
- Consider the input of the flagged data on determining whether or not there are three complete years of data to use to make a nonattainment designation
- Consider how the final April 5 action impacts the Chattanooga area's Early Action Compact status

3. Additional Analysis of Flagged PM 2.5 Monitoring Data

Attachment 1 contains detailed additional analysis of the 15 days under consideration. This analysis has been developed since EPA's April 5 action, and further supports the request to invalidate the PM 2.5 monitoring data on each of those days.

4. Early Action Compact

Through its Early Action Compact for ozone, the Chattanooga area is taking proactive and extraordinary steps to control emission sources and get cleaner air sooner, including a vehicle emissions inspection program in Hamilton County and other new control measures in the Georgia and Tennessee counties.

While these measures were designed to address the 8-hour ozone standard, these control measures being implemented earlier than required as part of the Early Action Compact, such as open burning restrictions, vehicle emissions inspections, and truck speed limit restrictions, are having the added benefit of reducing PM 2.5 precursor emissions in the area.

EPA has continued to evaluate the effectiveness of this and other Early Action Compacts. On June 2, 2005 EPA proposed to continue to defer the 8-hour ozone nonattainment designations for 14 Early Action Compact areas from September 30, 2005 to December 31, 2006, including the Chattanooga area.

Based on current EPA data, there are 14 8-hour ozone nonattainment areas in the country that have approved Early Action Compacts. Of those 14, only four have also been designated nonattainment for PM2.5:

- The Chattanooga area
- Hagerstown (Washington County), Maryland
- Hickory (Catawba County), North Carolina
- Greensboro/Winston-Salem/Highpoint (Davidson and Guilford Counties only), North Carolina

No similar data flagging or data completeness issues have been raised in the Hagerstown, MD area.

Both Catawba and Davidson counties in North Carolina have raised issues related to monitor location and filed initial appeals of the January 5, 2005 EPA designation action. No data flagging or completeness issues have been raised in either of these areas similar to those under review in the Chattanooga area.

The Chattanooga area is unique in that it is the only ozone Early Action Compact area that has been designated nonattainment for PM 2.5 despite issues relating to flagged data and data completeness. It is the only ozone Early Action Compact area that has taken the necessary steps to plan for and implement control measures to achieve federal ozone air quality standards early, but that has been designated nonattainment for PM 2.5, despite questions regarding whether the monitoring data appropriately supports that action.

5. Conclusion

The additional data analysis submitted with this document demonstrates that on several days national and international fires influenced the monitored high concentrations in the area. EPA should reconsider this data, determine that there are less than three complete years of data to make a designation on nonattainment, especially given the unique Early Action Compact status that EPA has encouraged and supported.