

ADEM Position Paper
Application of Transportation Conformity
Partial Rural County PM2.5 Nonattainment Areas
January 2005

On January 5, 2005, EPA designated five Alabama counties as nonattainment for the new PM2.5 standard. Among these were specific census blocks in portions of Jackson and Walker Counties. Jackson County was included in the Chattanooga, Tennessee, nonattainment area, and Walker County was included in the Birmingham nonattainment area. Only partial areas of both counties were designated as nonattainment. This was done for the sole purpose of including Tennessee Valley Authority's Widows Creek Fossil Plant in Jackson County and Alabama Power Company's Gorgas Electric Generating Plant in Walker County into the Chattanooga, Tennessee, and the Birmingham PM2.5 nonattainment area, respectively. The standard nonattainment classification of these partial counties would subject both areas to transportation conformity requirements. Requiring transportation projects in these areas, other than those considered to be regionally significant, to go through the transportation conformity process is unnecessary, given the low population and low VMT of both areas, and would only serve to add to the State's transportation planning burden. Clearly, mobile source emissions were not the basis for EPA's inclusion of these partial areas in the nonattainment areas for Birmingham and Chattanooga. It would be an unwise use of State and Federal government resources to implement full-blown conformity in these partial county areas.

It is the opinion of the Alabama Department of Environmental Management (ADEM) that both of these partial areas should be classified as "Isolated Rural Nonattainment Areas" based on the definition given in the July 1, 2004, Federal Register (69 FR 40072) notice titled, "*Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes.*" The definition of an Isolated Rural Nonattainment Area, as stated in the above referenced Federal Register notice, is as follows:

Isolated rural nonattainment and maintenance areas are areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have Federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvement programs.

It has been suggested by EPA that each area may be classified as a "donut area". This classification provides no flexibility for these areas and requires that they adhere to the same requirements as a standard nonattainment area. This classification would subject both areas to full transportation conformity requirements. EPA designated portions of Jackson and Walker counties as part of the Chattanooga nonattainment area and the Birmingham nonattainment area, respectively. The definition of a donut area, as given in the July 1, 2004, Federal Register (69 FR 40072) notice titled, "*Transportation Conformity Rule Amendments for the New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards and Miscellaneous Revisions for*

Existing Areas; Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes", is as follows:

Donut areas are geographic areas outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of a metropolitan area(s). These areas are not isolated rural nonattainment and maintenance areas.

Only by considering these partial county areas "inside of" their associated nonattainment boundaries can they be classified as donut areas. Even though these definitions are somewhat vague, we believe EPA has the flexibility to interpret these small partial-county nonattainment areas as isolated rural. From a practical standpoint, concern about mobile source emissions was clearly not EPA's incentive for including these partial counties in the larger nonattainment areas. Below we present additional information for each of our partial county nonattainment areas:

Jackson County

The portion of Jackson County designated as nonattainment is not part of any area's MPO or metropolitan planning area, nor is the area part of the Chattanooga MSA or CMSA. Additionally, the Widows Creek Fossil Plant, for which the area was designated as nonattainment, is approximately 30 miles from Chattanooga. The Jackson County nonattainment area is not contiguous with the Chattanooga nonattainment area. In fact, the portion of Jackson County designated as nonattainment is approximately 25 miles from the nearest point of the Chattanooga nonattainment area boundary. Transportation projects in this area are not included in any area's metropolitan transportation plans or TIPs, nor are they part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Rather, transportation projects in this area are included in the Alabama Statewide Transportation Improvement Program (STIP). Mobile source emissions were not the impetus for this area's inclusion into the Chattanooga nonattainment area. For this reason and due to the area's low population and VMT, we believe that only regionally significant projects in this area should be subject to transportation conformity. An Isolated Rural Nonattainment classification would exempt this area from transportation conformity (except in the case of regionally significant projects), thereby reducing the unnecessary additional transportation planning burden on the State, and would still require Widows Creek Fossil Plant to comply with the requirements associated with a nonattainment designation.

Walker County

The portion of Walker County designated as nonattainment is not part of any area's MPO or metropolitan planning area. While Walker County is a part of the Birmingham MSA and CMSA, it is not part of that area's MPO or metropolitan planning area. Transportation projects in this area are not included in any area's metropolitan transportation plans or TIPs, nor are they part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Rather, transportation projects in this area are included in the Alabama STIP. The portion of Walker County designated as nonattainment, as currently configured, is contiguous with the Birmingham nonattainment area boundary. The Walker County nonattainment area consists of three census

block groups. Stacks associated with the Gorgas Electric Generating Plant, the sole basis for the area being designated as nonattainment, are only located in two of the blocks. The block that does not contain any stacks or other apparatus associated with Gorgas Electric Generating Plant is the southernmost block that establishes contiguity with the Birmingham nonattainment area boundary. Attached is a letter from ADEM to EPA requesting that this census block be removed from the nonattainment area. EPA approval of this request would, in effect, eliminate the contiguity with the Birmingham nonattainment area boundary, and still include all census blocks containing Gorgas Electric Generating Plant emission sources in the nonattainment area. Mobile source emissions were not the impetus for this area's inclusion into the Birmingham nonattainment area. For this reason and due to the area's low population and VMT, we believe that only regionally significant projects in this area should be subject to transportation conformity. An Isolated Rural Nonattainment classification would exempt this area from transportation conformity (except in the case of regionally significant projects), thereby reducing the unnecessary additional transportation planning burden on the State.

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January 20, 2005

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Dear Ms. Banister:

In the January 5, 2005, Federal Register notice "Air Quality Designations and Classifications for the Fine Particle (PM2.5) National Ambient Air Quality Standards", EPA designated census block group identifiers 01-127-0214-5, 01-127-0215-4, and 01-127-0216-2 in Walker County, Alabama, as part of the Birmingham nonattainment area for PM2.5. Based on the information presented below, census block group 01-127-0216-2 should not be included.

Alabama Power's Gorgas Steam Plant is the only major source of fine particulate matter precursors within the portion of Walker County designated by EPA as nonattainment. The existence of this facility in Walker County was clearly EPA's motive for including a portion of the county in the Birmingham PM2.5 nonattainment area. The facility owns property in portions of all three census block groups included by EPA in the nonattainment designation. However, the stacks associated with Gorgas Steam Plant are located only within census block groups 01-127-0214-5 and 01-127-0215-4. There are no stacks, and therefore no emissions, associated with Gorgas Steam Plant located in census block group 01-127-0216-2. Census block group 01-127-0216-2 is the southernmost of the three block groups in Walker County designated by EPA as nonattainment and is located on the other side of the Black Warrior River relative to the facility's stacks. (see attached map). As stated in the attached letter from Alabama Power, the facility has no plans to expand or add additional emissions sources on the opposite side of the Black Warrior River within census block group 01-127-0216-2. All emissions from Gorgas Steam Plant would be captured if census block group 01-127-0216-2 were excluded.



Ms. Beverly Banister
January 18, 2005
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As pointed out above, EPA obviously concluded that mobile source emissions from all or parts of Walker County do not affect attainment in nearby counties (otherwise, either the entire County or more populated areas of the County would have been designated). Therefore, given that the large point source emissions would be captured in the other two census block groups and that mobile source emissions are not at issue, we request that census block group 01-127-0216-2 be excluded from the non-attainment area.

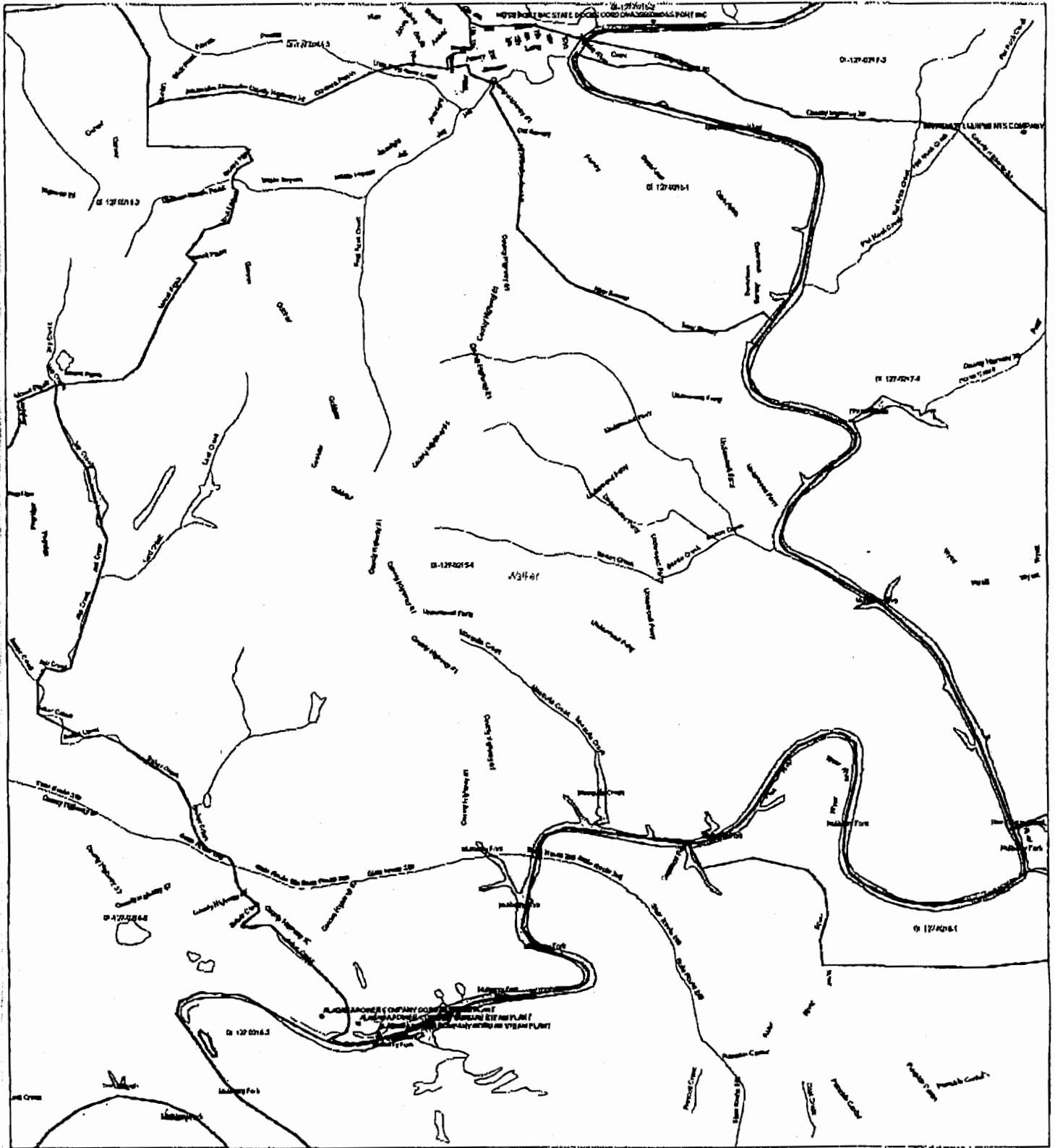
EPA's immediate attention to this request would be appreciated so a change can be affected prior to the effective date of the rule. If you have any questions, please contact Ken Barrett of my staff at (334) 271-7870.

Sincerely,



Ronald W. Gore, Chief
Air Division

RWG/sls



1,200 600 0 1,200 Meters

Map produced by EPA Region 4's Geographic Resources and Information Technology Services Team on Dec. 30, 2004.

Labels: StateFIPs-CoFIPs-Tract#-BlockGroup#

Legend

- AL AIRSAFS
- Hydrography-Streams & Rivers
- Hydrography-Lakes & Ponds
- Counties (dashed)
- AL Block Groups
- Highways
- Interstates
- Roads