COMMONWEALTH of VIRGINIA

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March 11, 2009

Mr. William T. Wisniewski
Acting Regional Administrator
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Wisniewski:

Pursuant to Section 107 (d) (1) (A) of the Clean Air Act and on behalf of the Governor of the Commonwealth of Virginia, I hereby submit the initial recommendations and comments on the designations of areas in Virginia under the 2008 8-hour Ozone National Ambient Air Quality Standard (NAAQS). Furthermore, this letter is in direct response to a December 18, 2008, letter from Donald Welsh to me that identified the requirement to submit these recommendations and the process to be followed.

Let me first state that great progress has been made in improving ozone air quality in Virginia and nationwide over the decade. This progress is due to coordinated efforts at the federal, state, and local levels to reduce ozone precursor pollutants and the transport of ozone from one area to another. This progress has allowed us to bring most of Virginia into attainment for the previous 1997 ozone standard.

However, the new ozone standard poses a significant challenge to us all that will require an even higher level of cooperation. We believe that new or revised regional and national control programs must be a key component to the overall attainment strategy for this standard if states and individual nonattainment areas are to achieve timely compliance. Therefore, I urge the EPA to move forward quickly to evaluate and implement new or updated strategies that can assist the states in this regard.

One specific recommendation I have for the implementation of the new standard is to urge EPA to continue the Early Action Compact (EAC)

program. Virginia's firsthand experience with this program found it to be an efficient and flexible mechanism to address ozone in areas slightly above the standard. Such a program would be very helpful during this time of particular economic hardship in many areas of the Country, and would allow citizens in these areas to experience the health benefits of cleaner air more quickly.

The specific area recommendations of the Commonwealth are provided with this letter. A summary of these recommendations is also provided below for each recommended nonattainment area. In addition, the enclosures to this letter provide more detail and supporting documentation. Please note that these recommendations are based on the most recent ozone air quality data for Virginia. These data have been submitted to the EPA and cover the years 2006 through 2008.

Northern Virginia Nonattainment Area

The Commonwealth's recommendation for this area, which is part of the greater Washington, DC/MD/VA Metropolitan Statistical Area (MSA), is that the nonattainment area in Virginia be the same as the previous 8-hour nonattainment area. Please note that some of the Virginia jurisdictions of the Washington D.C. MSA are included in a separate Fredericksburg area as described below. These two nonattainment areas cover the vast majority of contributing factors identified by EPA in delineating nonattainment areas such as population, emissions, traffic, and growth. The Commonwealth further recommends that the greater Washington, DC/MD/VA area remain a separate nonattainment area under the new standard. This area already has well established and effective air quality and transportation planning organizations.

Fredericksburg Nonattainment Area

The Commonwealth's recommendation for this area is that the nonattainment area be the same as the previous independent nonattainment area under the 1997 ozone standard, with the addition of that portion of Caroline County containing a currently violating ozone monitor. We believe that this partial county addition is justified based on the rural nature and purpose of the monitor's location as well as Caroline County's limited contribution to ozone formation. This recommendation again covers the majority of nonattainment factors mentioned in EPA guidance. Again, this area already has established and effective air quality and transportation planning organizations.

Richmond Nonattainment Area

The Commonwealth's recommendation is that the nonattainment area be the same as the previous 8-hour nonattainment area. As a special note, the

MSA boundary for this area appears to be overly large and not appropriate as a presumptive boundary for air quality purposes.

Hampton Roads Nonattainment Area

The Commonwealth's recommendation for this area is that the nonattainment area be the same as the previous 8-hour nonattainment area. This recommendation again covers the vast majority of this MSA and associated nonattainment factors.

Remaining Areas in Virginia

As I mentioned previously, air quality in all of Virginia has greatly improved. In fact, all other monitors in the Commonwealth are in compliance with the new ozone standard. Therefore, it is recommended that all the remaining areas in Virginia be designated attainment for this standard.

As always, the Commonwealth reserves the right to provided additional and/or updated information to inform the designation process as it proceeds. This information could include, but is not limited to, updated ozone monitoring data as it becomes available.

In summary, the Commonwealth of Virginia requests that the EPA carefully consider and adopt the area recommendations provided by this letter. We believe that the recommendations made are both reasonable and appropriate given the supporting documentation provided. These area designations along with effective programs at the regional and national levels such as a revived EAC program will provide the tools needed for us to further improve air quality in Virginia.

Thank you again for this opportunity to provide input on this important issue for Virginia. Please contact me if you have any questions concerning these recommendations.

Sincerely,

David K. Paylor

Enclosures

cc: L. Preston Bryant Jr., Secretary of Natural Resources
Judith M. Katz, EPA Region III Air Protection Division Director
Michael G. Dowd, DEQ Air Quality Division Director