A99-29
I-B-286

DEC 06 2002

RECEIVED
MAR 26 2003
OAQPS AIR
DOCKET CONTROL ROOM

Honorable Bill Graves
Governor of Kansas
State Capitol Building
Topeka, KS 66612

Dear Governor Graves:

The purpose of this letter is to inform you of the Environmental Protection Agency's (EPA) schedule for designating areas for the 8-hour ozone National Ambient Air Quality Standard (NAAQS). In 1997, the EPA promulgated the 8-hour ozone and is obligated to designate the attainment status of all areas with respect to the new standard.

On May 30, 2002, representatives of nine environmental organizations filed a notice of a citizen suit under the Act alleging that the Administrator failed to promulgate air quality designations by the required statutory deadline. On November 13, 2002, a Consent Decree was filed with the U.S. District Court for the District of Columbia in which the EPA and the environmental groups have agreed upon a schedule for the EPA to promulgate air quality designations for the 8-hour ozone standards. Designations for the 8-hour ozone NAAQS will be made by April 15, 2004.

The EPA is now requesting that each State Governor submit his updated, revised, or new designation recommendations and documentation to the Regional Administrator by April 15, 2003. These recommendations should be based on 2000-2002 quality assured, Federal reference or equivalent air quality monitoring data.

The process for designations following promulgation of a NAAQS is contained in section 107(d)(1) of the Act. This section provides each State Governor an opportunity to recommend attainment/unclassifiable or nonattainment designations including appropriate boundaries to the EPA. Under this section, the EPA may make modifications to these designations and boundaries as it deems necessary. If the EPA determines that a modification to a recommendation is necessary, the EPA will notify the State no later than 120 days prior to promulgating the designations, which will provide an opportunity for the State to demonstrate why the EPA's modification is not appropriate. The EPA anticipates that it would provide such notification no later than October 15, 2003. In the case where a State does not submit a recommendation by April 15, 2003, the EPA will promulgate the designation as it deems appropriate.

APDB	APDB	CNSL	ARTD	OEP	RGAD
Algoe-Eakin AAE 12-6-02	Tapp 12/6/02	Patrick 12-2-02	Spratlin 12/6/02	Bustos	Gulliford 151 WR 12-6-02

The applicable EPA guidance on the designation process and determining nonattainment area boundaries is entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards" dated March 28, 2000, which may be located at http://www.epa.gov/ttn/oarpg. The guidance provides more detailed information on designation issues.

We will keep your state apprised of any additional guidance and other support activities. Should you have any questions regarding this matter, please contact William A. Spratlin, Director of the Air, RCRA, and Toxics Division, at (913) 551-7401.

Sincerely,

James B. Gulliford
Regional Administrator

cc: Mr. Mike Linder
Nebraska Department of Environmental Quality
Mr. Tom Lamberson
Nebraska Department of Environmental Quality
Ms. Shelley Kaderly
Nebraska Department of Environmental Quality

bcc: Steve Page, OAQPS (C404-04)
Prudence Goforth, OAR (6101A)
Sara Terry, OAQPS (C404-02)
Art Spratlin, ARTD
Kim Johnson, APDB
Josh Tapp, APDB
Patrick Bustos, OEP

ARTD/APDB: Algoe-Eakin: cnovak: 12/3/02: AE Disk 1, #04