



Connecticut Bureau of Air Management, Anne Gobin, Acting  
Maine Bureau of Air Quality Control, James Brooks  
Massachusetts Bureau of Waste Prevention, Barbara Kwetz  
New Hampshire Air Resources Division, Robert Scott  
New Jersey Division of Air Quality, William O'Sullivan  
New York Division of Air Resources, David Shaw  
Rhode Island Office of Air Resources, Stephen Majkut  
Vermont Air Pollution Control Division, Richard Valentinetti

September 14, 2004

Mr. Bharat Mathur  
Acting Regional Administrator  
Region V  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago, Illinois 60634-3590

Re: Reclassification Request for the Detroit-Ann Arbor Ozone Nonattainment Area

Dear Mr. Mathur:

The Northeast States for Coordinated Air Use Management (NESCAUM) is writing in response to the July 15, 2004 request you received from the Michigan Department of Environmental Quality (MDEQ) to adjust or “bump down” the 8-hour ozone nonattainment classification for the Detroit-Ann Arbor area from “moderate” to “marginal.” This request should be denied, as it does not comport with the requirements for reclassification under the Clean Air Act.

Section 181(a)(4) of the Clean Air Act allows the U.S. Environmental Protection Agency (EPA) to bump down an area to a lower classification if that area’s design value is within five percent of the next lower classification. The Administrator is allowed to take into consideration the number of exceedances, the level of pollution transport between the area and other areas, and the mix of sources and air pollutants in that area. In April 2004, EPA briefed the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) on its approach for implementing the bump down provisions, and EPA clearly stated that only “moderate areas with design value of 0.096 ppm ozone or less” would be “eligible to request a bump down.”<sup>1</sup>

The Detroit-Ann Arbor area was classified as a moderate nonattainment area for the 8-hour ozone standard based on its design value of 0.097 ppm. The nonattainment area’s design value is clearly not within five percent of the marginal category classification. MDEQ has suggested that rounding should be allowed: “Monitoring values are routinely rounded in practice. Rounding conventions would dictate 5.49 is the practical equivalent of 5 percent and 97 ppb meets this criteria.”<sup>2</sup> Monitoring protocols do indeed allow for truncating and/or rounding practices in the gathering and processing of raw data. Identical practices do not and should not apply in determinations concerning policy or thresholds, however. A sprinter can’t run 94.5 yards and “round up” to call it a 100-yard dash.

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<sup>1</sup> “5% Reclassification Possibilities... An Overview.” (April 26, 2004), EPA-OAQPS, slide 10.

<sup>2</sup> “Request to Reclassify the Detroit-Ann Arbor Nonattainment Area to Marginal Nonattainment for Ozone,” State of Michigan Department of Environmental Quality, July 15, 2004, page 2.

Further, it is important to recall that EPA protocols already truncate the air quality data actually measured, such that design values are, by default, lower than the scientifically relevant “rounded” averages to begin with. MDEQ’s request suggests that EPA round down the already-truncated data, compounding the rounding to be even less protective of public health.

MDEQ also argues for a weight of evidence approach to the bumping down of areas, indicating that certain monitored values should not be considered by EPA due to the “unusualness” of a June 3, 2003 episode that was dominated by transport. The Northeast states are sensitive to this concern, because Northeast monitors routinely record ozone concentrations that are dominated by transported ozone and ozone precursors from upwind – including from Michigan. These concentrations in turn impact our design values. The National Ambient Air Quality Standards are health-based, however, so designations and classifications must be based on actual, monitored air quality values, notwithstanding the source of the pollution. Transported pollution must be addressed in order to solve nonattainment problems, but it is not necessary or appropriate in order to characterize nonattainment problems.

MDEQ indicates that a bump down will ensure improvements in air quality on a faster timeline, but that is not necessarily the case. A bump down considerably lessens the prescribed control measure requirements for an area, leaving it more vulnerable to not attaining the standard by the adjusted attainment deadline. This outcome is particularly likely if the bump down is unwarranted in the first place. A number of monitors in the Detroit-Ann Arbor nonattainment area have recorded ozone levels above the 8-hour ozone standard during 2001-2003, and in three counties in the area, design values have increased from the 2000-2002 to the 2001-2003 periods. This implies that more, not fewer, control measures may be needed for this area to attain the 8-hour ozone standard of 0.08 ppm and to correspondingly protect the public health of citizens in Michigan and the downwind Northeast states.

The NESCAUM states support the flexibility intended and allowed through the bump down provisions of the Clean Air Act, and can support EPA when it acts to adjust the classifications of nonattainment areas rightfully meeting those provisions. MDEQ’s bump down request for the Detroit-Ann Arbor nonattainment area fails to do so, however, and should be denied.

If you would like to discuss this issue in greater detail, please do not hesitate to contact me.

Sincerely,



Kenneth A. Colburn  
Executive Director

Cc: Jeffrey R. Holmstead - EPA  
Lydia Wegman - EPA  
NESCAUM Directors