COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

PAUL E. PATTON
GOVERNOR

700 CAPITOL AVENUE
SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

June 12, 2000

Mr. John H. Hankinson, Jr., Regional Administrator
U. S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Dear Mr. Hankinson:

As you pointed out in your letter of April 28, 2000, the federal Clean Air Act ("the Act") requires Governors of the states, including the Commonwealth of Kentucky, to designate areas within their respective states that appear not to comply with the Act's 8-hour ozone standard. This air quality standard was formally imposed in 1997 and has since then been the object of controversy and federal litigation. We have examined the requirements of the Act, EPA's guidance criteria for making designations, and the litigation involving the 8-hour ozone standard.

I must emphasize to you that I make these designations with great reluctance and strong objection. As you know, enforcement of the 8-hour ozone standard is presently at issue in the U.S. Supreme Court as a result of the D.C. Circuit Court of Appeals' decision in *American Trucking Associations, Inc. v EPA*, 175 F.3d 1027, *on rehearing* 195 F.3d 4 (D.C. Cir. 1999). Though the D.C. Circuit's decision did not block the Act's requirement for making designations, the future of the 8-hour ozone standard is so uncertain as to warrant our express objection to having to make any designations whatsoever. In this time of uncertainty for air quality issues, I am especially concerned that EPA's interpretation of the Act may lead EPA to impose transportation conformity and nonattainment new source review requirements on the newly designated areas before the court issues a final decision on these issues.

However, in order to comply with § 107 of the Act [42 USC § 7407(d)], and without waiving our express objection, I submit the following list for designation of

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Kentucky counties under the 8-hour ozone standard. Supporting documentation, based on EPA's guidance criteria, is enclosed.

County	Designation
Jefferson	Nonattainment
Oldham	Nonattainment
Bullitt	Nonattainment
Fayette	Nonattainment
Scott	Nonattainment
Boone	Nonattainment
Kenton	Nonattainment
Campbell	Nonattainment
Greenup	Nonattainment
Boyd	Nonattainment
Hancock	Nonattainment
Daviess	Nonattainment
Henderson	Nonattainment
McCracken	Nonattainment
Marshall	Nonattainment
Christian	Nonattainment
Simpson	Nonattainment
Warren	Nonattainment
Rest of state	Attainment/Unclassifiable

We certainly wish to comply with the Act and want to cooperate with EPA in our joint efforts of preserving clean air resources for our citizens. And, as always, the Commonwealth and all its citizens want to be treated fairly and even-handedly in the process. Therefore, I make this submittal in compliance with the Act but with great reluctance. Moreover, I urge EPA to delay and ultimately avoid imposition of any transportation conformity and nonattainment new source review requirements since the outcome of the 8-hour standard is uncertain.

Sincerely,

Paul E. Patton

Paul E. Patton

Enclosure

c: James E. Bickford

Ashland

Ozone design values

County	1997	1998	1999	Design Value
Boyd County	.086	.080	.094	.086
Greenup County	.078	.099	.095	.090

1998 Estimated Ashland, Kentucky Area Population

Kentucky	Estimated Population
Boyd County	49,514
Greenup County	36,970

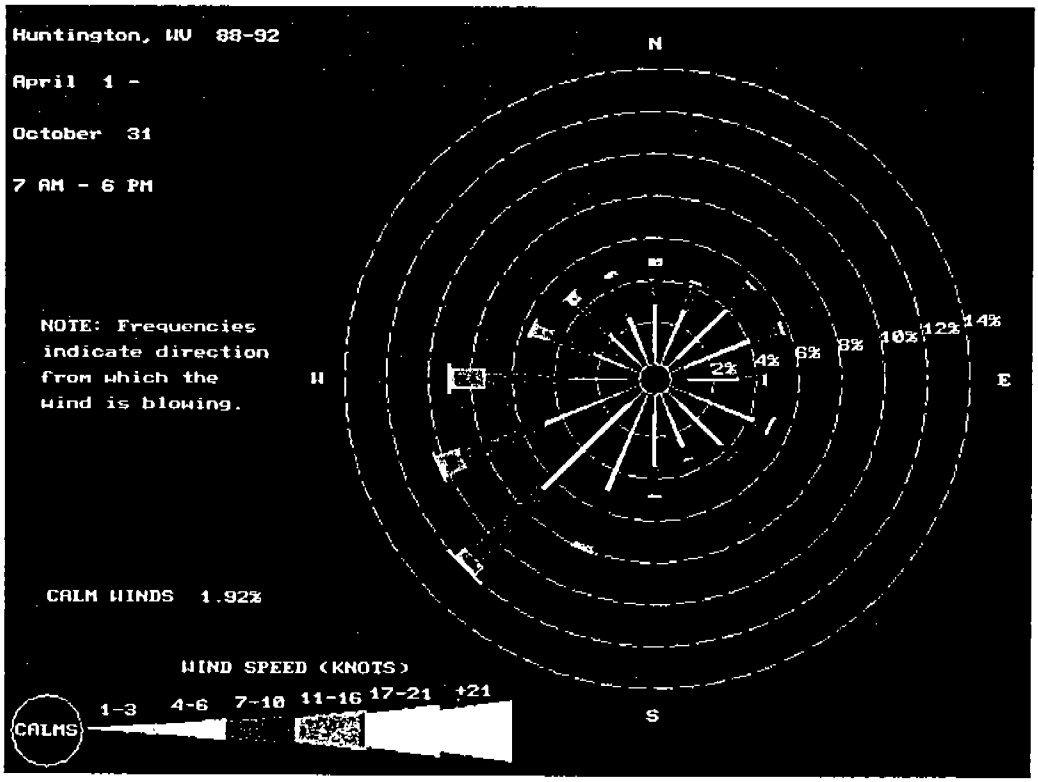
Ashland Area Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Boyd	51,150	48,618	-5.0%	45,818	-5.8%
Greenup	36,742	36,542	-0.5%	35,693	-2.3%

1998 VOC and NOx Emissions

County	*VOC*			*NOx*		
	Point	Mobile	Total	Point	Mobile	Total
Boyd	23.71	4.51	28.22	21.08	4.19	25.27
Greenup	8.78	2.53	11.31	3.65	2.5	6.16
Total	32.49	7.04	39.53	24.73	6.69	31.43

Wind Rose Patterns



Commuter Levels

County	*Commuter Levels*
Boyd	Not significant
Greenup	Not significant

Lexington Area

Ozone design values

County	1997	1998	1999	Design Value
Fayette County				
Ironworks	.076	.083	.087	.082
Newtown	.082	.089	.091	.087
Scott County				
Sadieville	.072	.088	.081	.080
Toyota Industrial	.088	.094	.090	.090

1998 Estimated Lexington, Kentucky Area Population

Kentucky	Estimated Population
Fayette County	241,697
Scott County	30,782

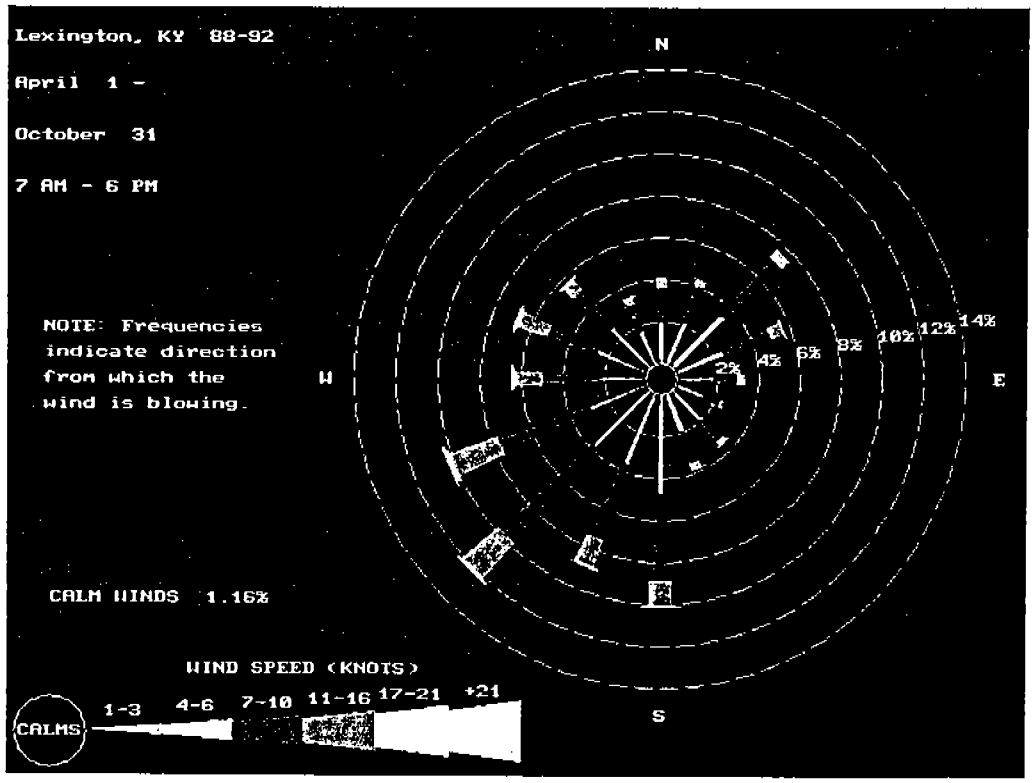
Lexington Area Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Fayette	225,366	244,713	8.6%	257,621	5.3%
Scott	23,867	26,460	10.9%	28,405	7.4%

1998 VOC and NOx Emissions

County	*VOC* Point	*VOC* Mobile	*VOC* Total	*NOx* Point	*NOx* Mobile	*NOx* Total
Fayette	1.44	20.09	21.53	1.80	19.49	21.29
Scott	14.59	4.41	19.00	0.49	5.47	5.96
Total	16.03	24.50	40.53	2.29	24.96	27.25

Wind Rose Patterns



Commuter Levels

County	*Commuter Levels*
Fayette	Significant
Scott	Significant

Louisville Area

Ozone design values

County	1997	1998	1999	Design Value
Jefferson				
Bates	.089	.100	.097	.095
WLKY	.089	.090	.086	.088
Watson Lane	.091	.095	.100	.095
Bullitt	.086	.096	.093	.092
Oldham	.085	.101	.103	.096

1998 Estimated Louisville, KY MSA Population

Kentucky	Estimated Population
Bullitt County	59,344
Jefferson County	671,595
Oldham County	44,436
Indiana	
Clark County	93,991
Floyd County	71,819
Harrison County	34,618
Scott County	23,055
Total Estimated Population	998,858

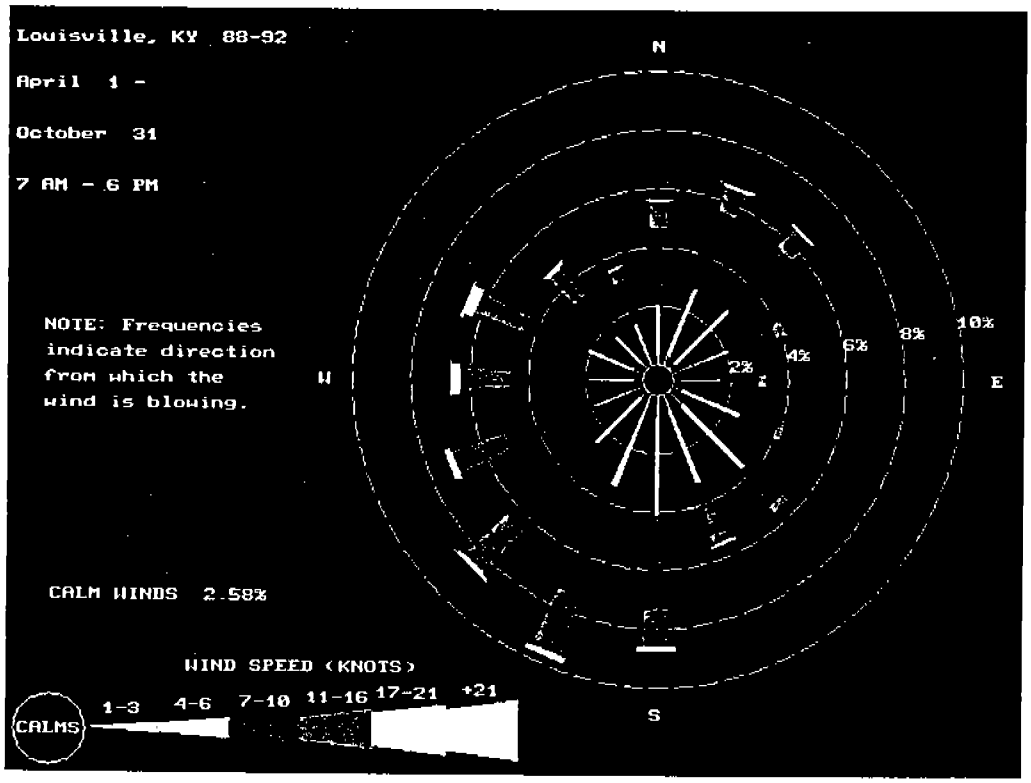
Louisville Kentucky MSA Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Bullitt	47,567	54,736	15.1%	59,579	8.8%
Jefferson	665,123	660,460	-0.7%	647,851	-1.9%
Oldham	33,263	43,985	32.2%	53,216	21.0%

1998 VOC and NOx Emissions

County	VOC Point	VOC Mobile	VOC Total	NOx Point	NOx Mobile	NOx Total
Bullitt	7.54	4.86	12.40	0.48	5.85	6.33
Jefferson	36.56	28.09	64.65	98.91	44.74	143.65
Oldham	0.45	2.98	3.43	0.00	3.50	3.50
Total	44.55	35.93	80.48	99.39	54.09	153.48

Wind Rose Patterns



Commuter Levels

	Commuter Levels
Jefferson	High
Bullitt	High
Oldham	High

Northern Kentucky

Ozone design values

County	1997	1998	1999	Design Value
Boone County	.081	.084	.091	.085
Campbell County	.089	.089	.090	.089
Kenton County	.084	.091	.091	.088

1998 Estimated Northern Kentucky Area Population

Kentucky	Estimated Population
Boone	79,761
Campbell	87,301
Kenton	146,731

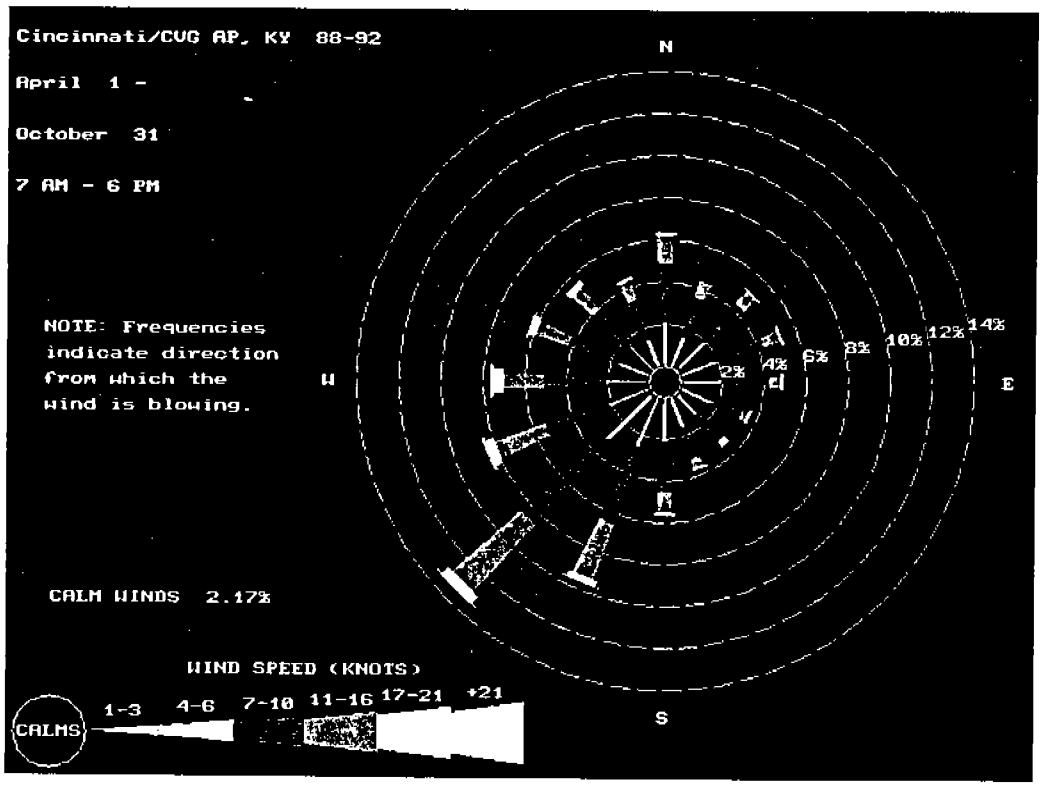
Northern Kentucky Area Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Boone	57,589	72,057	2.1%	84,009	16.6%
Campbell	83,866	85,978	2.5%	87,088	1.3%
Kenton	142,031	148,594	4.6%	153,268	3.1%

1998 VOC and NOx Emissions

County	*VOC*			*NOx*		
	Point	Mobile	Total	Point	Mobile	Total
Boone	3.45	4.45	7.9	26.4	10.48	36.88
Campbell	0.35	2.92	3.27	0.41	5.60	6.01
Kenton	0.80	4.7	5.5	0.03	9.47	9.5
Total	4.60	12.07	16.67	26.84	25.55	52.39

Wind Rose Patterns



Commuter Levels

County	*Commuter Levels*
Boone	Somewhat significant
Campbell	Somewhat significant
Kenton	Somewhat significant

Owensboro Area

Ozone design values

County	1997	1998	1999	Design Value
Daviess	.087	.086	.090	.087
Hancock	.085	.095	.093	.091
Henderson				
Henderson City	.075	.078	.081	.078
Basket	.082	.084	.096	.087

1998 Estimated Owensboro Area Population

Kentucky	Estimated Population
Daviess	90,973
Hancock	8,963
Henderson	44,482

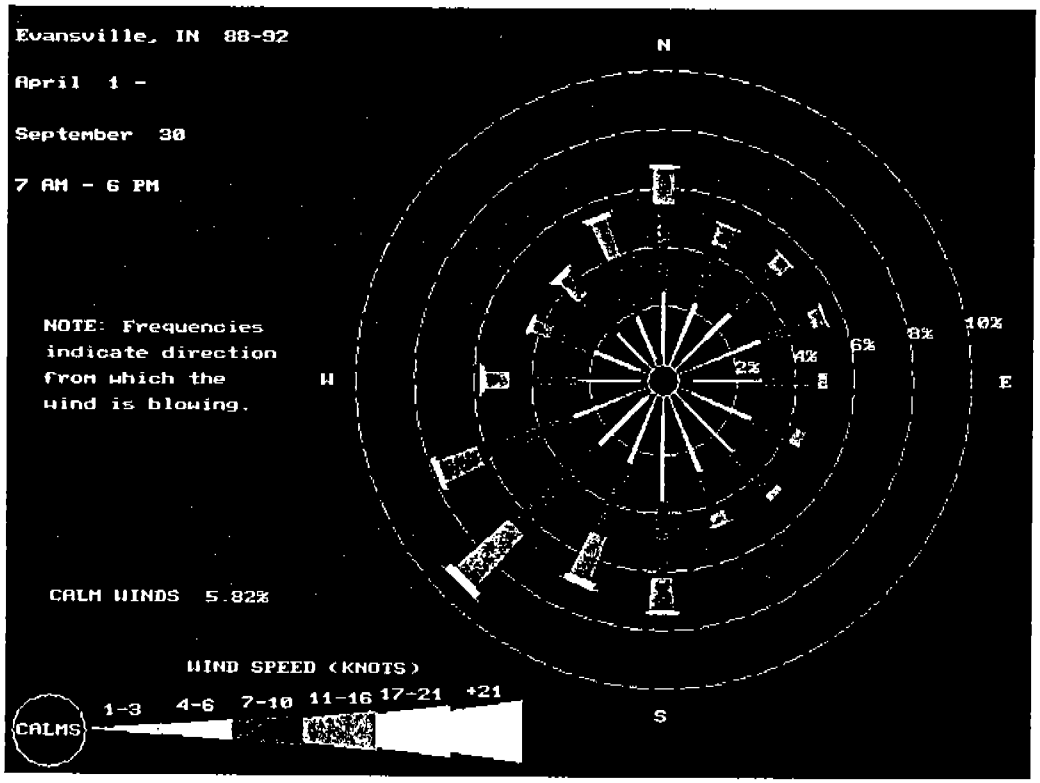
Owensboro Area Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Daviess	87,189	88,767	1.8%	89,269	0.6%
Hancock	7,864	8,199	4.3%	8,386	2.3%
Henderson	43,044	44,851	4.2%	45,882	2.3%

1998 VOC and NOx Emissions

County	*VOC*			*NOx*		
	Point	Mobile	Total	Point	Mobile	Total
Daviess	4.49	6.06	10.55	37.61	5.83	43.44
Hancock	5.72	0.56	6.28	30.39	0.67	31.06
Henderson	2.46	4.32	6.78	2.75	4.32	7.06
Total	12.67	10.94	23.61	70.75	10.82	81.57

Wind Rose Patterns



Commuter Levels

County	*Commuter Levels*
Daviess	Somewhat significant
Hancock	Somewhat significant
Henderson	Minimal

South Central

Ozone design values

County	1997	1998	1999	Design Value
Warren *(area of influence)*	--	--	--	--
Simpson	.087	.092	.096	.091

1998 Estimated South Central Kentucky Population

Kentucky	Estimated Population
Warren County	87,310
Simpson County	16,467

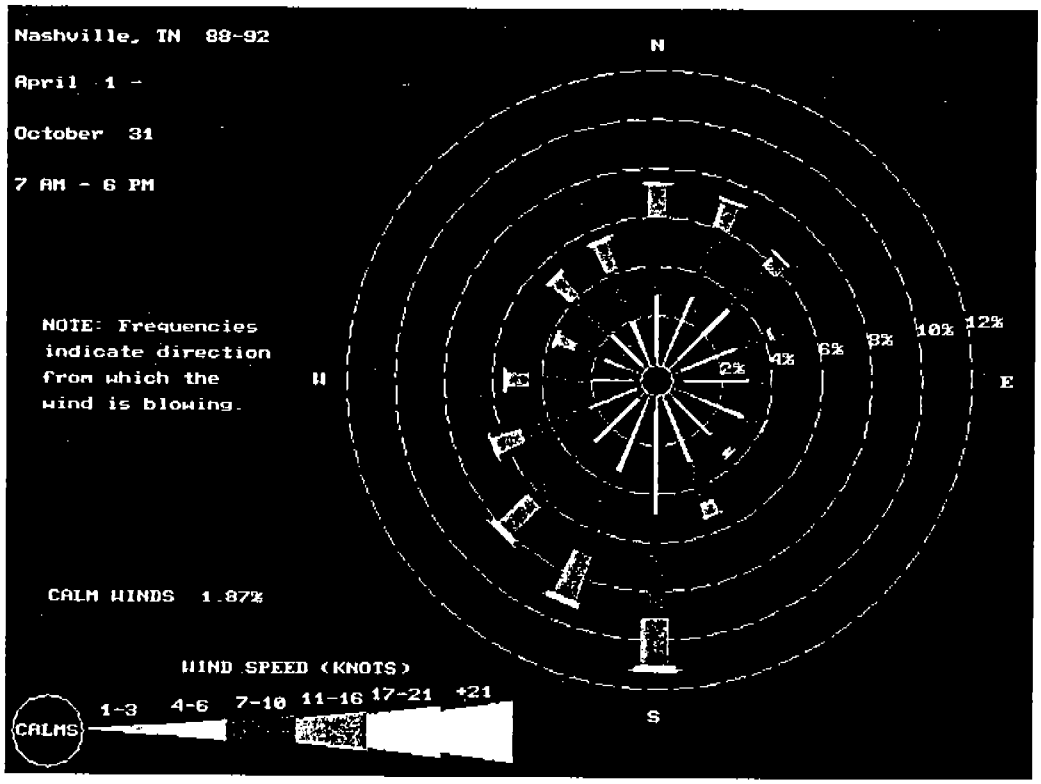
South Central Kentucky Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Warren	77,620	84,491	8.7%	90,262	6.8%
Simpson	15,145	16,015	5.7%	16,576	3.5%

1998 VOC and NOx Emissions

County	*VOC* Point	*VOC* Mobile	*VOC* Total	*NOx* Point	*NOx* Mobile	*NOx* Total
Warren	3.26	8.16	22.42	0.13	8.85	8.98
Simpson	9.08	2.03	11.11	0.09	2.41	2.5
Total	12.34	10.19	33.53	0.22	11.26	11.48

Wind Rose Patterns



Commuter Levels

County	*Commuter Levels*
Warren	Not Significant
Simpson	Not Significant

Western Kentucky

Ozone design values

County	1997	1998	1999	Design Value
Christian	.082	.086	.092	.087
McCracken	.085	.090	.093	.089
Marshall *(area of influence)*	--	--	--	--

1998 Estimated Western Kentucky Area Population

Kentucky	Estimated Population
Christian	72,436
McCracken	64,405
Marshall	30,174
Tennessee	
Montgomery	100,500
Total Estimated Population	267,515

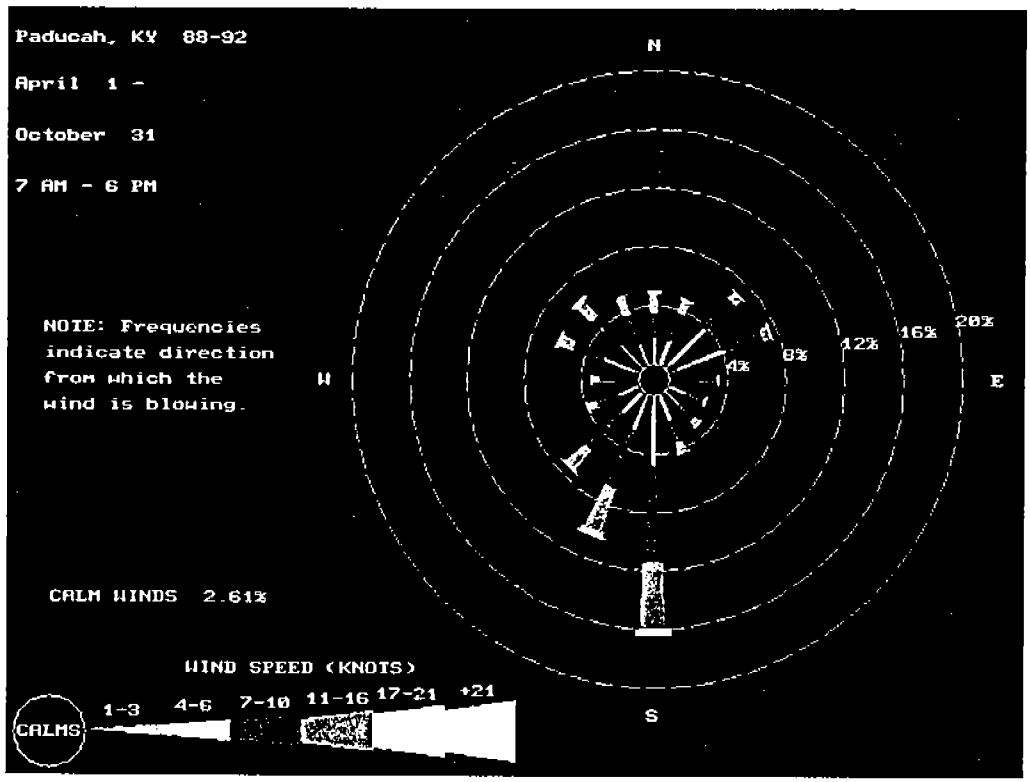
Western Kentucky Population Growth Data

County	1990	2000	%Growth 1990 - 2000	2010	%Growth 2000 - 2010
Christian	68,941	73,425	6.5%	77,534	5.6%
McCracken	62,879	64,439	2.5%	64,653	0.3%
Marshall	27,205	28,882	6.2%	29,593	2.5%

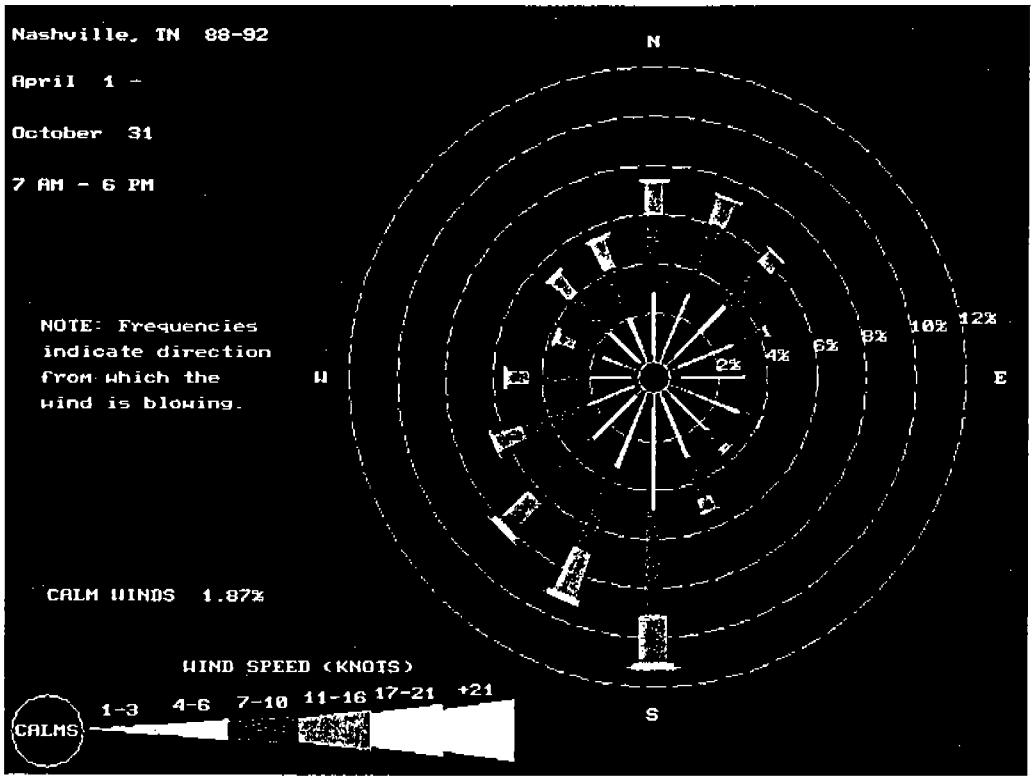
1998 VOC and NOx Emissions

County	*VOC*			*NOx*		
	Point	Mobile	Total	Point	Mobile	Total
Christian	4.48	5.43	9.91	0.21	5.72	5.93
McCracken	1.15	5.33	6.48	105.41	5.42	110.83
Marshall	51.02	2.77	53.79	12.61	3.47	16.08

Wind Rose Patterns
Far Western Kentucky



Wind Rose Patterns
South Central Kentucky



Commuter Levels

County	*Commuter Levels*
Christian	Somewhat significant
McCracken	Significant
Marshall	Somewhat significant