STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR

DAVID RONALD MUSGROVE
GOVERNOR

July 13, 2000

Mr. John Hankinson
Regional Administrator
U. S. Environmental Protection Agency
Region 4
61 Forsyth St., SW
Atlanta, GA 30303

Dear Mr. Hankinson:

In accordance with the Federal Clean Air Act, I am hereby offering the State of Mississippi's recommendations for designation of attainment and nonattainment areas under Section 107(d)(1)(B)(ii) of the Federal Clean Air Act, specifically EPA's new eight hour ambient air quality standard for ozone. In receiving our recommendations, please be assured that the State of Mississippi is committed to a clean and healthy environment, compatible with a robust business climate. We take our commitments seriously. We want to work with EPA to find solutions that will make any designations of nonattainment the least disruptive to business development and transportation improvement while still protecting public health and the environment.

In light of the fact that next year the United States Supreme Court will be hearing the appeal of EPA's new ambient air quality standards, we hereby request and recommend that EPA defer making any designations until after the Supreme Court has ruled. Making attainment and nonattainment designations will be a costly and time consuming process that may have to be reconsidered under the guidance of the Supreme Court's final ruling. Further, since the President has directed EPA to implement new air quality standards in the most reasonable and least disruptive way, it would be prudent to withhold any action until the Supreme Court has ruled. Consequently, I respectfully decline to recommend any attainment/nonattainment designations in Mississippi until after the Supreme Court's final ruling. Consistent with our decision, we ask that no counties or metropolitan statistical areas (MSA's) be designated nonattainment by EPA.

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In the event that the Court affirms the standard, or if EPA chooses to proceed with making its designations without the benefit of a final ruling from the Supreme Court, we request that EPA allow Mississippi input prior to EPA's making its designations. If EPA proceeds with nonattainment designations in Mississippi, we request that EPA be innovative and give Mississippi an opportunity to bring into attainment, without the negative consequences of a nonattainment designation, those areas where these new, more stringent standards, are not being met. We believe that imposing the traditional new source review and transportation conformity requirements would unduly inhibit business activities in nonattainment areas while having no better impact on air quality than alternate means. For example, transitional nonattainment designations previously proposed by EPA, or the accelerated attainment agreement proposed by the Texas Natural Resource Conservation Commission, could be used to accomplish attainment without putting an end to business development or transportation improvement.

For more than one year, Mississippi has aggressively addressed ozone levels by participating in collaborative ozone studies with Alabama, Florida, and Louisiana in the Gulf Coast Ozone Study, and with Tennessee and Arkansas in the Arkansas, Tennessee and Mississippi Ozone Study. These studies are pro-active regional efforts and should give Mississippi a much better understanding of what, if any, nonattainment areas exist and any needed corrective measures.

If EPA chooses to proceed with making its designations without the benefit of a final ruling in the case pending before the Supreme Court, we request that ozone monitoring data for the Summer of 2000 be used. Data should be available by December 1, 2000. Should the 2000 data indicate attainment in areas that are deemed by EPA to be potential nonattainment areas, we request that EPA designate as attainment/unclassifiable or, at the least, allow Mississippi to have input prior to EPA's making its designations. We make this request, in part, because some of our counties experienced elevated ozone levels from 1997 through 1999. It is likely that the hotter than usual summers of 1998 and 1999 caused the unusually high ozone levels for those respective years and the corresponding three year average ozone levels for 1997 through 1999. A more normal summer of 2000 could paint an entirely different picture.

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If EPA disagrees with our recommendations and positions, representatives of the state look forward to, and hereby formally request, an opportunity to discuss designation prior to EPA's making any nonattainment designations under the Federal Clean Air Act.

I appreciate the opportunity to present the position of the State of Mississippi and I look forward to working with EPA on this important public health and environmental issue.

Very truly yours,

Ronnie Musgrove

RM:JB/sf
Enclosures