Christine Todd Whitman
Governor

State of New Jersey
Department of Environmental Protection

Robert C. Shinn, Jr.
Commissioner

Office of the Commissioner
PO Box 402
Trenton NJ 08625

August 1, 2000

Jeanne M. Fox
Regional Administrator
United States Environmental Protection Agency
Region II
290 Broadway - 26th Floor
New York, New York 10007-7866

Dear Regional Administrator Fox:

This is in response to your July 19, 2000, letter to Governor Whitman requesting designation of non-attainment areas for the eight-hour averaged ozone health standard. The Clean Air Act, § 107(d)(1)(a)(i) defines a nonattainment area as "any area which does not meet the (or that contributes to ambient air quality in a nearby area that does not meet) the national ... ambient air quality standard." New Jersey is situated so that it not only contributes to nonattainment downwind of the state, but is significantly impacted by the long range and nearby transport of ozone and its precursors upwind of the state. While the United States Environmental Protection Agency (USEPA) is attempting to address the long range transport of ozone and its precursors for the 1-hour ozone standard through the NOx State Implementation Plan (SIP) Call and the states §126 petitions, more emission reductions may be needed to address this long range contribution to unhealthy ozone air quality in New Jersey.

All the ambient air quality ozone monitors in New Jersey currently exceed the eight-hour ozone National Ambient Air Quality Health Standard. Regarding nearby transport, New Jersey regards these area designations as the critical first step in establishing the framework under which the states, the federal government, the private sector, and the general public will need to function to address this important and difficult public health problem.

Toward that end, New Jersey undertook a major effort to gather available relevant data, and to secure public input, so that areas can be appropriately defined. The results of that effort will be sent to your office in a report under separate cover.

As a result of this effort, I am recommending that New Jersey be part of two multi-state 8-hour ozone non-attainment areas, one associated with New York City and the other associated with the Cities of Philadelphia, Pennsylvania and the Wilmington, Delaware. For the New York City - Northern New Jersey - Southwestern Connecticut non-attainment area, I recommend the

following New Jersey counties be included in the New Jersey portion of the nonattainment area: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren counties. For the Philadelphia - Southern and Central New Jersey - Wilmington nonattainment area, I recommend the following New Jersey counties be included in the New Jersey portion of the nonattainment area: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean, and Salem counties. Figure 1 depicts the New Jersey portion of the multi-state nonattainment areas.

It should be noted that the areas recommended in Figure 1 for the new eight-hour ozone standard consolidate the counties in New Jersey into two non-attainment areas, as opposed to the four areas that were used for the one-hour ozone standard. This consolidation is, I believe, consistent with the greater influence of ozone and precursor transport contribution for the eight-hour standard.

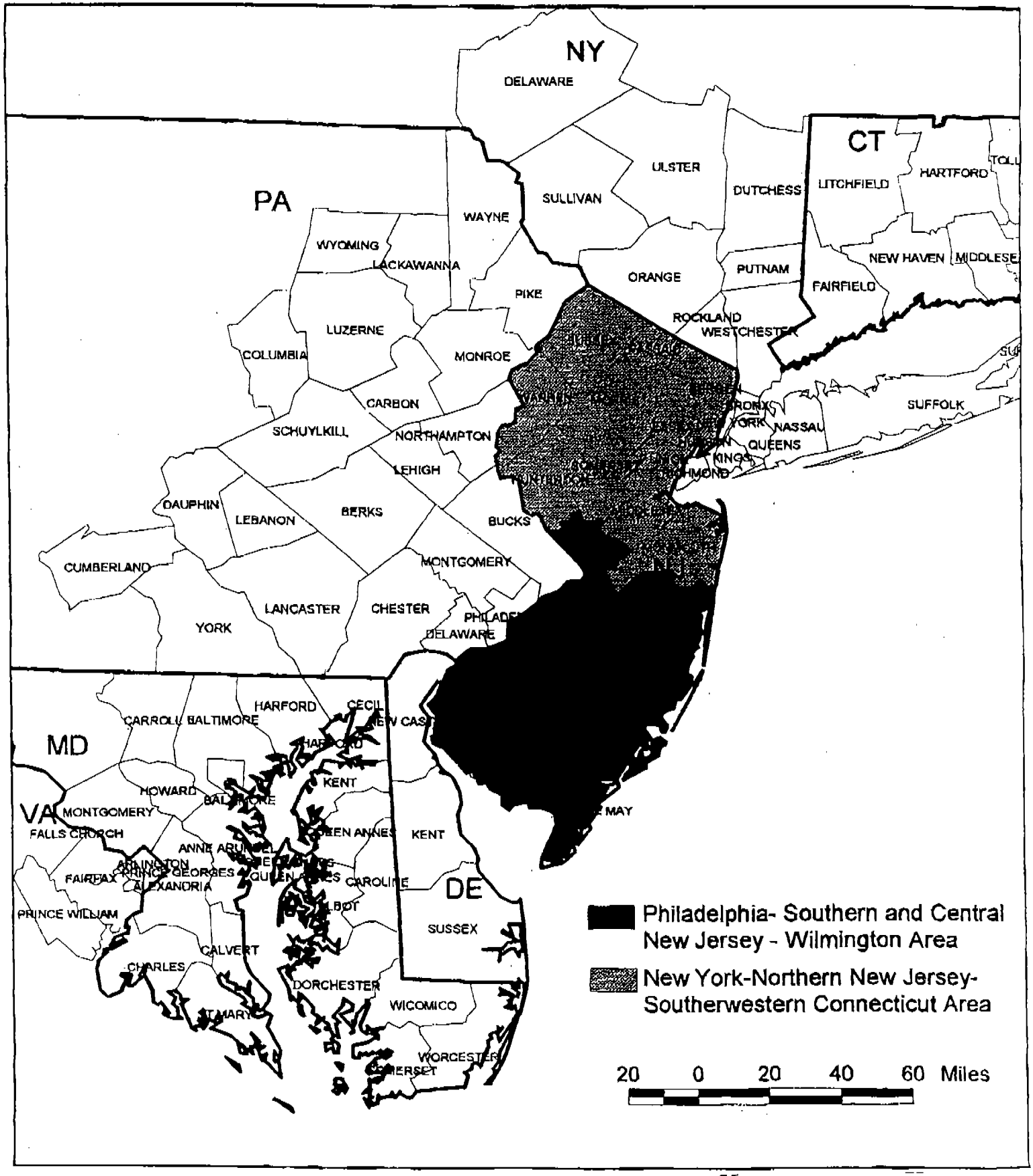
The recommendations described previously for New Jersey we believe, are not sufficient to address the provisions in Section 107(d)(1)(a). Therefore, it is vital that the USEPA review, assess, coordinate, and as appropriate, revise the recommendations of the adjacent nearby states, to define areas that are broad enough to address the nearby contribution to the ozone problems in New Jersey and downwind of New Jersey. This federal action could result in the placement in, or exclusion of, counties from adjacent states to these two multi-state nonattainment areas. A cohesive policy must be followed linking emission sources and nearby impacted receptors in the same nonattainment area. This is vital if source and receptor areas are to work together toward a common shared goal of attaining the standard. In this regard we request a working relationship with USEPA in the development of recommendations for areas impacted by both sources in New Jersey and areas which impact New Jersey.

I hope that you will find our recommendations and suggestions to be constructive and look forward to working with you on this issue.

Sincerely,

Robert C. Shinn, Jr.
Commissioner

Enclosure
c: Governor Whitman
Commissioner Weinstein
Attorney General

FIGURE 1

Recommended New Jersey 8-hour Ozone Health Standard Nonattainment Boundaries