



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

November 12, 2010

Honorable Janice Brewer
State of Arizona
1700 West Washington
Phoenix AZ 85007

Dear Governor Brewer:

I am writing to provide you with guidance for designating areas in Arizona under the recently revised primary National Ambient Air Quality Standard (NAAQS) for Nitrogen Dioxide (NO₂). We are requesting your recommendations for designating areas within your State by January 25, 2011.

In January 2010, the U.S. Environmental Protection Agency strengthened the health-based NO₂ NAAQS by supplementing the existing annual standard of 53 parts per billion (ppb) with a 1-hour primary standard of 100 ppb (3-year average of the 98th percentile daily maximum 1-hour concentrations) (75 FR 6474, February 9, 2010). This new standard is based on the most recent scientific studies. It will protect public health by reducing exposures to short-term peak concentrations of NO₂ near major roadways and in communities where people live and work, by limiting NO₂ concentrations to levels below those that have been linked to respiratory-related hospital admissions and emergency room visits in the United States. EPA is currently reviewing the welfare-based secondary NO₂ NAAQS but has not yet completed that review, so no action on your part is required at this time for the secondary NO₂ NAAQS.

Under the Clean Air Act (Act), EPA is required to make initial designations within two years of the promulgation of a NAAQS. The Act directs Governors to submit their recommendations to EPA, designating all areas in their States, excluding tribal lands, as "attainment," "nonattainment" or "unclassifiable." These recommendations must be submitted to EPA by January 25, 2011, one year after the NAAQS was revised, and should be based on the latest available NO₂ monitoring data, which we expect will be from 2007-2009 or 2008-2010.

We anticipate designating most areas in the country as "unclassifiable," indicating that there are insufficient data to determine whether or not the areas are attaining the revised 1-hour NO₂ NAAQS. We believe this approach is appropriate given that: (1) the new near-road monitoring network requirements associated with the revised NO₂ NAAQS are not effective until January 2013, so air quality data from these new monitors will not be available to inform initial designations; and (2) the NO₂ monitors in the existing NO₂ network do not provide adequate evidence to determine whether the new NAAQS is being met at other locations, especially those

closer to NO₂ emission sources such as roadways. We note that area designations of “attainment” and “unclassifiable” serve as the basis for defining baseline areas for the Prevention of Significant Deterioration (PSD) permitting program. Therefore, we encourage States to take into consideration potential PSD implications when making recommendations concerning the specific boundaries for such areas.

In 2012, EPA will be making initial 1-hour NO₂ NAAQS designations for all areas in the country. The Act provides EPA with the authority to modify a State’s recommendations as it deems necessary. If EPA intends to make such modification to your recommendation, we will notify you no later than 120 days prior to promulgating the final designations rule (by September 27, 2011). You will then have an opportunity to demonstrate why EPA’s proposed modification is inappropriate before designations are finalized. We have enclosed a schedule that gives the important dates related to these initial NO₂ designations.

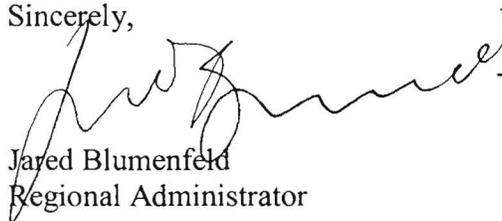
EPA intends to designate as “nonattainment” any area with current air quality data that violates (or that contributes to an area that violates) the NAAQS, as required by the Act. EPA’s latest assessment of NO₂ air quality data is posted at <http://www.epa.gov/airtrends/values.html>. EPA will provide you with an opportunity to submit a new boundary recommendation for any area that you initially recommended a designation of “unclassifiable,” if newly acquired monitoring data for the period 2008-2010 violates the 1-hour NO₂ NAAQS.

Once the near-roadway monitoring network is fully deployed and three years of air quality data are collected, EPA has the authority to redesignate areas as appropriate from “unclassifiable” to “attainment” or “nonattainment.” We anticipate that sufficient data to support redesignations will be available after 2015.

Establishing air quality designations is a key step in improving air quality. Areas that are designated as “nonattainment” for the NO₂ NAAQS will be required to adopt plans to reduce ambient concentrations of NO₂. EPA Region 9 will keep Arizona informed of any additional guidance and other support activities concerning implementation of the revised NO₂ NAAQS.

Should you have any questions regarding this matter, please do not hesitate to contact me at (415) 947-8702 or Deborah Jordan, Air Division Director, at (415) 947-8715.

Sincerely,

A handwritten signature in black ink, appearing to read "Jayed Blumenfeld". The signature is fluid and cursive, written over a horizontal line.

Jayed Blumenfeld
Regional Administrator

Enclosure

cc: Benjamin Grumbles, Director, ADEQ
Eric Massey, Director, Air Quality Division, ADEQ
Nancy Wrona, Policy Advisor, ADEQ

NO₂ Designations Schedule

Action	Date
Revised NO ₂ NAAQS signed	January 22, 2010
State/Tribe submits its recommendations to EPA	January 25, 2011
EPA notifies State/Tribe of any revisions to its recommendations (“120-day letter”)	September 27, 2011
EPA promulgates initial NO ₂ designations ¹	January 25, 2012

¹EPA has the discretion to extend the deadline up to one year if there is insufficient information on which to make air quality determinations. See Clean Air Act §107(d)(a)(B)(i). As noted in the preamble to the final rule promulgating the revised NAAQS, EPA does not intend to take an additional year to complete designations since one more year of air quality data from current NO₂ monitors would not result in significant new data to inform initial designations