



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



OFFICE OF THE
REGIONAL ADMINISTRATOR

SEP 04 2009

The Honorable Jan Brewer
Governor of Arizona
1700 West Washington
Phoenix, AZ 85007

Dear Governor Brewer:

I am writing you today to provide you with guidance on the process for designating areas under the 2008 revised National Ambient Air Quality Standard (NAAQS) for lead. In order to ensure that public health and welfare were protected, the U.S. Environmental Protection Agency (EPA) revised the lead NAAQS on October 15, 2008 (73 FR 66964; November 12, 2008). The new primary lead standard was lowered from the 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) level set in 1978, to a level of 0.15 $\mu\text{g}/\text{m}^3$. This new standard is based on the most recent scientific studies and provides increased protection against adverse health effects associated with exposure to lead. To provide increased protection against lead-related welfare effects, EPA revised the secondary standard to be identical in all respects to the revised primary standard.

The next step in implementing the revised lead NAAQS is for states to recommend to EPA an air quality designation for their state. The process for designations, following promulgation of a new or revised NAAQS, is contained in Section 107(d)(1) of the Clean Air Act (Act). This section of the Act provides a process for each Governor to recommend attainment, nonattainment, or unclassifiable designations, with appropriate boundaries, to the EPA and requires that these recommendations be submitted to EPA within one year of a promulgation of a new or revised NAAQS. Therefore, we ask that your state provide designation recommendations for all areas by October 15, 2009.

Under section 107(d)(1) of the Act, EPA may make modifications to the recommended designations and boundaries as it deems necessary. EPA will notify the states, by no later than 120 days prior to promulgating the designations, of our response to states' recommendations. This will provide an opportunity for states to comment on any modification that EPA proposes to their recommendations.

We are including an enclosure to this letter, which provides guidance to state and local air pollution control agencies and tribes on the timeline and process for designating areas under the revised lead standard. We plan to announce our intended designations as early as possible, but no later than 120 days prior to promulgating initial designations.

Under section 107(d)(1)(B) of the Act, EPA is required to issue final designations within two years of finalizing a NAAQS; however, EPA has the discretion to extend the deadline up to one year if there is insufficient information to make designations. EPA intends to complete initial designations by no later than October 15, 2010, where data is sufficient from the existing monitoring network or where no additional data is expected to be available for a state.

Remaining areas, using information from the expanded lead monitoring network, will be designated by no later than October 15, 2011. States and tribes will have an opportunity to update their recommendations for these remaining areas by October 15, 2010.

Establishing area designations is a key step in the process of providing the health protection that the Act is intended to provide. Areas that are designated as not attaining the lead NAAQS will be required to adopt plans to reduce ambient concentrations of lead. We will keep your state informed of any additional guidance and other support activities. Should you have any questions regarding this matter, please do not hesitate to contact me at 415-947-8702 or Colleen McKaughan of my staff at 520-498-0118.

Sincerely,



Laura Yoshii
Acting Regional Administrator

Enclosure

cc: Benjamin H. Grumbles, Director
Arizona Department of Environmental Quality

Nancy Wrona, Director, Air Quality Division
Arizona Department of Environmental Quality

Lawrence Odle, Director
Maricopa County Air Quality Department

Don Gabrielson, Director
Pinal County Air Quality Control District

Ursula Kramer, Director
Pima County Department of Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

AUG 21 2009

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

MEMORANDUM

SUBJECT: Area Designations for the 2008 Revised Lead National Ambient Air Quality Standards

FROM: William T. Harnett *William Harnett*
Division Director, Air Quality Policy Division

TO: Regional Administrators, Regions I-X

The U.S. Environmental Protection Agency (EPA) revised the lead National Ambient Air Quality Standards (NAAQS) on October 15, 2008 (73 FR 66964; November 12, 2008). The new primary lead standard was lowered from the 1.5 micrograms per cubic meter (ug/m³) level set in 1978, to a level of 0.15 ug/m³ based on a quarterly averaging time. To provide increased protection against lead-related welfare effects, EPA revised the secondary standard to be identical in all respects to the revised primary standard. The next step in implementing the revised lead NAAQS is for EPA to designate areas as meeting or not meeting the NAAQS. EPA provided guidance for the lead designations process in the preamble to the lead NAAQS final rule. This memorandum provides information on the timeline for designating areas and identifies where guidance on key designations-related subjects can be found in the lead NAAQS preamble. Please share this information with the state and tribal agencies in your Region.

Section 107(d) of the Clean Air Act (CAA) governs the process for area designations following the establishment of new or revised NAAQS. Under section 107(d), states are required to submit recommendations on designations for their areas to EPA not later than one year after the promulgation of a new or revised standard. If, after careful consideration of the recommendations, EPA intends to promulgate a designation that deviates from a state recommendation, EPA will notify the state no later than 120 days prior to promulgating the initial designation. EPA will also provide the state an opportunity to demonstrate why the potential modification is inappropriate. The CAA requires EPA to complete the designation process within two years of promulgation of a new or revised NAAQS unless the Administrator has insufficient information to make these designations. In such a case, EPA may take up to an additional year to make the designations.

Accordingly, state designation recommendations for the 2008 revised lead standards shall be submitted to the Administrator no later than October 15, 2009. States shall provide a list of designation recommendations for all areas in the state or jurisdiction designated as attainment, nonattainment, or unclassifiable on the basis of available information. As described in the final rulemaking (73 FR 66964; November 12, 2008), EPA anticipates that state and tribal officials will be able to base their designation recommendations for some areas on existing monitoring data, and thereby designate an area as "attainment" or "nonattainment." EPA also anticipates there will be other areas where sufficient monitoring data are not available to make such a

determination. In such cases, officials are advised to designate such areas as "unclassifiable." For the October 15, 2009 letter, EPA recommends states use the most recent three consecutive years of quality-assured, certified air quality data. In most cases, EPA expects these data to be from 2006-2008 that are stored in the EPA Air Quality System (AQS). By no later than, June 17, 2010, EPA will notify all states and tribes, by letter, of our response to state's recommendation. In order to consider public input in the designation process, we plan to provide a 30-day public comment period immediately following issuance of EPA's response letters to the states and tribes; we anticipate the comment period would conclude in mid-July 2010 (this depends on publication date). If a state or tribe has additional information that they want EPA to consider with respect to a designation recommendation EPA plans to modify, we would request such information be submitted by August 15, 2010. This will ensure that EPA can fully consider any such information as we move forward to issue designations by October 15, 2010. The CAA requires EPA to designate within two years of finalizing a NAAQS; however, EPA has the discretion to extend the deadline up to one year if there is insufficient information to make designations. EPA intends to complete initial designations by no later than October 15, 2010, where data are sufficient from the existing monitoring network or where no additional data are expected to be available for a state. Using information from the expanded lead monitoring network, EPA will promulgate designations for the remaining areas by no later than October 15, 2011. States/Tribes will have an opportunity to update their recommendation letters, as they pertain to the remaining areas, by October 15, 2010.

The schedule for lead monitor planning and installation:

- By July 1, 2009 - States submit Annual Monitoring Network Plans to EPA, complete with source-oriented lead monitoring information (corrections to emissions inventories, waiver submittals, and monitor location information)
- By Jan 1, 2010 - Source-oriented lead monitors installed and operational
- By July 1, 2010 - States submit Annual Monitoring Network Plans to EPA, complete with non-source oriented lead monitoring information
- By Jan 1, 2011 - Non-source oriented lead monitors installed and operational

Because the 2008 revised primary and secondary lead NAAQS are identical, EPA expects that each area will have the same designation and boundary for both standards.

Guidance for making designations is provided within the lead NAAQS final rulemaking (73 FR 66964; November 12, 2008), available at the following website:

<http://www.epa.gov/fedrgstr/EPA-AIR/2008/November/Day-12/a25654.pdf> . Subjects covered in the final rulemaking include but are not limited to:

- Presumptive county boundaries – pages 67032-67034
- Eight factors for consideration – page 67033
- Years of data to be used for designation recommendations - page 67044
- Exceptional events & associated flagging schedule – pages 67044-67045
- Appendix R to Part 50 – Interpretation of the National Ambient Air Quality Standards for Lead – pages 67054-67057
- Part 58 – Ambient Air Quality Surveillance – pages 67059-67062

Attachment I is a timeline of important dates in the designation process for the revised 2008 lead NAAQS designation process.

The staff at EPA's Office of Air Quality Planning and Standards is available for assistance and consultation throughout the designation process. Questions on this guidance may be directed to Rhonda Wright at 919-541-1087.

Attachment 1

Attachment 1:
Timeline for Revised 2008 Lead NAAQS Designation Process

Milestone	Date	
Final Lead NAAQS Rule Promulgated	October 15, 2008 (published November 12, 2008)	
Monitoring Network Implementation	All source-oriented monitors operational by Jan 1, 2010; All nonsource-oriented monitors operational by Jan 1, 2011.	
	<i>EPA makes 1st round (2nd Year) initial designations for areas with sufficient lead data</i>	<i>EPA makes 2nd round (3rd Year) initial designations for the remaining areas</i>
State/Tribal Designation Recommendations to EPA	¹ No later than October 15, 2009	² No later than October 15, 2010
EPA notifies states/tribes concerning any modifications to their recommendations (120-day letters)	No later than June 17, 2010 (120 days prior to final designations)	No later than June 17, 2011 (120 days prior to final designations)
EPA publishes public notice of state/tribes recommendations and EPA's proposed modifications	Late-June 2010 (publication initiates 30-day public comment period)	Late-June 2011 (publication initiates 30-day public comment period)
End of 30-day public comment period	Late-July 2010	Late-July 2011
States/tribes submit additional information to demonstrate why an EPA modification is inappropriate.	No later than Aug 15, 2010	No later than Aug 15, 2011
Final Designations	No later than Oct 15, 2010	No later than Oct 15, 2011

¹ The CAA states, "By such date as the Administrator may reasonably require, but not later than 1 year after promulgation of a new or revised national ambient air quality standard for any pollutant under section 109, the Governor of each State shall (and at any other time the Governor of a State deems appropriate the Governor may) submit to the Administrator a list of all areas (or portions thereof) in the State, designating as— (i) nonattainment... (ii) attainment... or (iii) unclassifiable..." CAA § 107(d)(1)(A)

² For the 2nd year of designations, States and Tribes will have an opportunity to update their recommendation letters for the remaining areas by October 15, 2010.