

REVISED NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE

Background

On July 15, 2009, EPA proposed (74 FR 34404) to strengthen the primary National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO₂) by adding a new 1-hour standard to address short term exposure to NO₂. Short term exposures to high concentrations of NO₂ are most likely to occur on or near major roads. The current annual average NO₂ standard of 53 parts per billion (ppb) is not part of the change.

On January 22, 2010, the EPA Administrator signed EPA finalized a new 1-hour NO₂ standard of 100 ppb (75 FR 6474; February 9, 2010). The final standard started the timeline for States to complete boundary recommendations by January 22, 2011, as required by section 107 of the Clean Air Act. For additional information about EPA's action, please see <http://www.epa.gov/air/nitrogenoxides/actions.html>.

Ambient Monitoring Network

The final NO₂ standard requires changes to the ambient air monitoring network, including: (1) the evaluation of locations and placement of monitors near major roads monitors in locations (typically in urban areas) to measure peak concentrations that occur over a one-hour period of time; and (2) increasing the number of monitors in large urban areas to measure the highest concentrations of NO₂ that occur over wider areas.

Arizona currently has ten (10) monitors that have continually demonstrated compliance with the existing NO₂ standard. These monitors have not yet been calibrated to report hourly concentrations required by the new standard. In addition, in order to comply with the requirements of the new standard some monitors may need to be relocated closer to highways to obtain the appropriate emissions data required by the new standard. All new and relocated monitors must begin operation by January 1, 2013.

Regulatory Consequences and Next Steps for Arizona

With the exception of Cook County (Chicago) in Illinois, all 50 states, including Arizona, are expected to be designated as "attainment" or "unclassifiable" with the new standard. By January 1, 2012, however, States are required to assess their existing NO₂ monitoring networks and, if necessary, relocate existing monitors or deploy new monitors to record emissions. Information collected from these new monitors will be used by EPA to inform its next NO₂ NAAQS review in January 2015. EPA has explained that a second round of designations in 2016 or 2017 will be based on data from the new and revised monitoring network.

In the Forty-ninth Legislature's Second Regular Session, House Bill 2133 was passed. Among other statutory changes, this House Bill set specific deadlines for ADEQ to share information, conduct public comment, and engage with stakeholders regarding proposed boundary designations after the Administrator promulgates new or revised National Ambient Air Quality Standards. EPA's January 22, 2010, final revised NO₂ standard is subject to these requirements; however, due to EPA's lack of guidance on how to proceed with the new standard, ADEQ has been unable to provide the information required by House Bill 2133 in a timely fashion.

On November 12, 2010, the Regional Administrator for EPA Region IX issued a letter to Governor Brewer providing guidance to Arizona regarding the NO₂ standard. The letter confirmed that Arizona would be considered unclassifiable for the standard. The guidance also encouraged States to consider the impact of the classification on how baseline areas are defined for the Prevention of Serious Deterioration (PSD) program. AQD is likely to recommend that each County be considered an airshed for PSD program to avoid a single statewide increment. The nine-factor analysis is not required for boundary recommendations when the County boundaries are used.

ADEQ will proceed to conduct a stakeholder process, comment period and public hearing as soon as practicable in order for the Governor to make the required recommendations by EPA's January 22, 2011 deadline.