

February 16, 2010

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Mail Code 2822 T
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Attention: Docket ID No. EPA-HQ-OAR-2006-0735

Re: Revisions to Lead Ambient Air Monitoring Requirements -- Proposed Rule

Dear Administrator Jackson:

The Northeast States for Coordinated Air Use Management (NESCAUM) offer the following comments on the U.S. Environmental Protection Agency's (EPA's) Notice of Proposed Rulemaking (NPR), published on December 30, 2009 in the Federal Register, entitled *Revisions to Lead Ambient Air Monitoring Requirements* (74 FR 69050-69059). NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

1. Source-Oriented and Airport Monitoring Requirements

NESCAUM agrees with the EPA proposal to change the lead emission threshold at which agencies are required to conduct lead monitoring for National Ambient Air Quality Standard (NAAQS) purposes near a source from 1.0 to 0.50 tons per year (tpy) (74 FR 69051). However, NESCAUM believes that this threshold, while appropriate for traditional lead sources as noted at 74 FR 69052 (e.g., lead smelters, metallurgical operations, battery manufacturing), is not appropriate for NAAQS monitoring purposes at general aviation airports. The airport study cited by EPA in the Federal Register (74 FR 69054) does not support the need for lowering the monitoring threshold for general aviation airports. That study indicates that neither the Santa Monica nor the Van Nuys airports showed lead concentrations higher than the Los Angeles basin average of 0.018 $\mu\text{g}/\text{m}^3$ at sites beyond the airport property. We strongly recommend that the monitoring threshold for general aviation airport lead monitoring remain at 1.0 tpy. Based on the draft 2008 National Emissions Inventory,¹ this threshold would require monitoring at the eight largest general aviation airports (i.e., in California, Florida, Colorado, New York, Oklahoma, and Arizona). Based on these data, EPA can reassess the need for additional lead monitoring at smaller general aviation airports in a future rulemaking.

¹ See <http://www.epa.gov/ttn/chief/net/neip/index.html>.

2. Lead Monitoring at NCore Sites

The NESCAUM states urge EPA to exclude rural NCore sites from its proposal to require lead monitoring at all NCore sites (74 FR 69055). The proposed inclusion of the rural sites is inconsistent with the monitoring goal and would be a waste of state resources. To better address EPA's intended goal for the monitoring network, we recommend that the siting of urban community-scale lead monitoring not be constrained to NCore sites, but be allowed to be located at other appropriate monitoring sites such as National Air Toxics Trend Stations (NATTS), which tend to be sited in "hot-spot" areas for other pollutants.

3. Implementation Issues

It is critical that EPA recognize that the delay in issuing this NPR, and the consequent delay in finalizing this rule until late spring 2010, makes it impractical for states to include the new monitoring requirements in their network plans, which are due June 30, 2010. This delay also makes it unlikely if not impossible for states to implement the additional monitoring requirements by the December 30, 2010 deadline.

States are experiencing significant staff cuts and resource constraints in the face of mounting new federal monitoring and other requirements related to multiple NAAQS revisions. EPA must find a workable and practical solution that allows adequate time for states to comply with new monitoring requirements, including additional time for implementation, using existing networks as appropriate, and providing technical and financial assistance.

Given the expanded role that EPA is envisioning for the various monitoring networks and its desire for research data to augment future regulatory decisions, we urge EPA to engage in higher level strategic discussions with the states on these issues. Such discussions could result in recommendations on how to more efficiently deploy and use monitoring networks.

4. National Inventories

The NESCAUM states are concerned about the quality of the national inventories used by EPA as the basis for its decisions on lead monitoring. The airport inventory's emission factors and activity data have not been reviewed by the states for many years and may be significantly outdated. Some data points are highly suspect. For example, a small airport in the Hamptons (New York) was attributed with 154,000 landings and takeoffs. This number is more than 75% of the total flights in and out of Kennedy International Airport in New York City. The lead inventory for electric generating units (EGUs) is also of concern. Our understanding is that this inventory was developed based on a 1998 Utility Report to Congress.² Several data points in this inventory have been changed without consultation with the states and are also highly suspect.

² Memorandum from Thompson G. Pace, OAQPS/AQAD/EIAG to Lead NAAQS Review Docket (EPA-HQ-OAR-2006-0735), *Revisions to the 2002 NEI for Lead* (May 1, 2008).

Prior to finalizing this rule, EPA must undertake a robust and detailed evaluation and review of the airport and EGU lead inventories. This should include quality assurance, quality control, and comprehensive state review.

5. Nonattainment Designations and Data

The NESCAUM states recommend that EPA allow modeling to be used in conjunction with monitoring data to better determine nonattainment areas. The intent is to ensure that areas can be designated nonattainment in those cases where robust monitoring data are lacking.

6. National Lead Reduction Strategy

NESCAUM encourages EPA to develop and implement a national lead reduction strategy that addresses all sources of environmental lead, including but not limited to aviation gasoline, consumer products, metals recycling, steel production, lead acid battery disposal, tire weights, fishing sinkers and weighted lures, paint, lead shot, and diesel lube oil. Such an approach would greatly speed the process for minimizing lead exposure nationwide.

We look forward to working with you to ensure that the new lead monitoring requirements make sense, can be implemented by states, maximize resources, and achieve our public health protection goals. If you or your staff has any questions regarding the issues raised in these comments, please contact George Allen of NESCAUM at 617-259-2035.

Sincerely,



Arthur N. Marin
Executive Director

Cc: NESCAUM Directors
Lydia Wegman, EPA/OAQPS
Kevin Cavender, EPA/OAQPS
Susan Stone, EPA/OAQPS
Richard Wayland, EPA/OAQPS
Lewis Weinstock, EPA/OAQPS
Tim Watkins, EPA/ORD
David Conroy, EPA/Region 1
William Baker, EPA/Region 2
Marion Hoyer, EPA/OTAQ
Doug Solomon, EPA/OAQPS