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July 16, 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

The Honorable Bob Perciascepe
 Acting Administrator
 Environmental Protection Agency
 Washington, D.C. 20460

**RE: Clean Air Act Notice
 42 U.S.C.A. § 7604(b)(2)**

Dear Mr. Perciascepe:

On behalf of the Commissioners of the County of Berks, Pennsylvania (the “County”), I write to respectfully inform you that the County intends to file suit against you for failing to make a finding of failure to develop a State Implementation Plan (“SIP”) addressing the North Reading 2008 Lead National Ambient Air Quality Standard Nonattainment Area and the Lyons 2008 Lead National Ambient Air Quality Standard Nonattainment Area (collectively, the “Areas”), both of which are located in Berks County, Pennsylvania. This notice is sent pursuant to 42 U.S.C.A. § 7604(b)(2) and 40 C.F.R. Part 54.

On November 22, 2010, EPA published notice that the Areas were designated as Nonattainment for the 2008 Lead National Ambient Air Quality Standard (“NAAQS”), effective December 31, 2010. 75 Fed. Reg. 224 (November 22, 2010). In that notice, EPA explained the significant detrimental effects of lead exposure. Lead is quickly absorbed into the bloodstream, and can damage the central nervous system, cardiovascular function, kidneys, immune system, and red blood cells. *Id.* Lead exposure is particularly damaging to children, leading to “IQ loss, poor academic achievement, long-term learning disabilities, and an increased risk of delinquent behavior.” *Id.* The neighborhoods in and around the Areas have for years been subject to the type of lead exposure the 2008 Lead NAAQS was designed to address.

Pennsylvania was required to submit SIPs for these Areas within eighteen months of the effective date of nonattainment designation, i.e., by June 30, 2012. *Id.*

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The Pennsylvania Department of Environmental Protection ("PA DEP") has not submitted either SIP to date. Sworn testimony in a separate legal action indicates that Commonwealth officials charged with developing the North Reading Nonattainment Area SIP have established no internal timetable for completing that SIP, and that completion is, in fact, not imminent.

The EPA Administrator has a mandatory duty to make a completeness finding no later than six months after the date that a state is to submit a SIP. 42 U.S.C.A. §7410(k)(1)(B). As of the writing of this letter, over one year after both SIPs were due, EPA has not made its completeness findings, and is therefore in violation of its mandatory duty.

Despite clear federal mandates, little progress has been seen in developing and implementing SIPs designed to bring the Areas into attainment and protect Berks County's citizens. EPA must find that Pennsylvania has failed to submit adequate SIPs to move this process forward.

Pursuant to 40 C.F.R. § 54.3, the person giving this notice is:

Berks County Commissioners
Berks County Services Center
633 Court Street, 13th Floor
Reading, PA 19601

Please direct all communications to the undersigned counsel regarding this matter.

The Berks County Commissioners desire to move the SIP development process forward in an expedited manner. To that end, they would prefer to resolve this matter without the need for litigation, and ask that EPA contact the undersigned counsel. However, if no action is taken by EPA within 60 days, the Commissioners will assume that a suit is necessary.

Sincerely,

STOCK AND LEADER



Alexandra C. Chiaruttini



Christopher L. Ryder

ACC/glb