



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

P. O. Box 402
Trenton, New Jersey 08625-0402
Tel: (609) 292-2885
Fax: (609)-292-7695

October 15, 2009

The Honorable George Pavlou
Acting Regional Administrator
United States Environmental Protection Agency – Region 2
290 Broadway- 26th Floor
New York, New York 10007-1866

Dear Acting Regional Administrator Pavlou:

The purpose of this letter is to provide you with New Jersey's recommendations for lead designations for the 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) National Ambient Air Quality Standard (NAAQS).¹ Section 107(d)(1)(A) of the Clean Air Act provides that Governors of each state submit recommendations for areas to be designated attainment, nonattainment, or unclassifiable after the United States Environmental Protection Agency (USEPA) promulgates a new or revised NAAQS. On September 22, 2009, you sent Governor Jon S. Corzine a letter advising that New Jersey make such recommendations for the revised lead NAAQS published on October 15, 2008 (Attachment 1).

New Jersey recommends the entire state be designated attainment based on the following:

1. Recent ambient air lead monitoring data within New Jersey is below the NAAQS;
2. Historical air lead monitoring data within New Jersey was significantly below the NAAQS at that time;
3. Ambient air monitors in New York and Pennsylvania, which are within our shared Combined Statistical Areas (CSAs), are reporting lead concentrations significantly below the NAAQS;
4. Inventory estimates of lead emissions are below the current monitoring threshold requirement;
5. Primary sources of lead have been phased out;
6. The USEPA has approved New Jersey's monitoring plan for no additional source-oriented monitors.

New Jersey's ambient air quality data for 2006-2008 meets the revised standard. Lead concentrations in New Jersey in recent years are so low compared to the $1.5 \mu\text{g}/\text{m}^3$ NAAQS that many of the monitoring sites were discontinued. New Jersey's last lead monitoring location in

¹ 73 *Fed. Reg.* 66964-67062 (November 12, 2008).

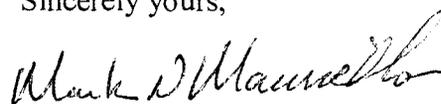
New Brunswick was discontinued in 2008, after the shutdown of New Jersey's primary lead stationary source, Delco Remy, a battery manufacturer, on February 20, 2007. The lead concentration in the 4th quarter of 2006 was 0.051 $\mu\text{g}/\text{m}^3$ before the shutdown and 0.008 $\mu\text{g}/\text{m}^3$ in the 2nd quarter of 2007 after the shutdown.

New Jersey submitted its 2009 Annual Monitoring Network Plan with source-oriented lead monitoring information to the USEPA in June of 2009.² On September 8, 2009 in a letter sent to New Jersey, the USEPA approved the final network design as outlined in this plan (see Attachment 3).³ The USEPA determined that New Jersey's discussion of lead monitoring in its plan satisfied this requirement.

New Jersey will follow up this letter with a Technical Supplement containing the supporting data for the recommendation.

If you have any technical questions regarding New Jersey's recommendations, please contact Bill O'Sullivan, Director of the Division of Air Quality, at (609) 984-6721.

Sincerely yours,



Mark N. Mauriello
Acting Commissioner

Attachments

- c: Ray Werner, USEPA Region 2
- Richard Ruvo, USEPA Region 2
- Maurice Griffin, New Jersey DAG

² Ambient Air Network Monitoring Plan 2009. New Jersey Department of Environmental Protection, Bureau of Air Quality Monitoring, June 2009. <http://www.njaqinow.net/Default.htm>

³ Letter dated September 8, 2009 from the USEPA Region 2 Acting Director Kevin Bricke to Nancy Wittenberg, the Assistant Director of Environmental Regulations at NJDEP.

Attachment 1:
USEPA Letter to Governor Jon S. Corzine Regarding Lead Designation Recommendations



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 22 2008

Honorable Jon S. Corzine
Governor of the State of New Jersey
Office of the Governor
PO Box 001
Trenton, NJ 08625

Dear Governor Corzine:

I am writing you today to provide you with information on the process for designating areas in New Jersey that meet or may not meet the U.S. Environmental Protection Agency's (EPA) health-related National Ambient Air Quality Standards for lead. In order to protect the public health and welfare EPA periodically evaluates health studies and where appropriate, revises its National Ambient Air Quality Standards accordingly. On October 15, 2008 EPA promulgated a more stringent air quality standard for lead. This new standard is based on the most recent scientific studies and provides additional protection against adverse health effects associated with exposure to airborne lead. To provide increased protection against lead-related welfare effects, EPA also revised the welfare-related secondary standard to be identical in all respects to the more stringent health-related standard.

The next step in implementing the revised lead National Ambient Air Quality Standard is for each state to recommend to EPA those areas in the state that meet or may not meet this more stringent air quality standard for lead. The process for designating areas is contained in Section 107(d)(1) of the Clean Air Act. This section of the Clean Air 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 revised National Ambient Air Quality Standard. Therefore, we ask that you provide your recommendations to EPA for all areas in New Jersey by October 15, 2009.

Once EPA receives and evaluates your recommendation it may propose modifications to the recommended designations and boundaries. EPA will notify states by no later than 120 days prior to promulgating its final designations, of any proposed modifications. You would then have the opportunity to comment on any modification that EPA proposes to New Jersey's original designation recommendation.

I have enclosed with this letter additional guidance to states, local air pollution control agencies and Indian tribes on the time frame and process for designating areas under the revised lead standard. EPA plans to announce our proposed designations as early as possible, but no later than 120 days prior to promulgating initial designations. As previously mentioned - this 120 day period is established to allow states an opportunity to review and comment upon any changes EPA proposes to make to your original recommendation.

Internet Address (URL) • <http://www.epa.gov>

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My staff has already provided this same information on an informal basis to representatives of the Department of Environmental Protection and will continue to provide them with technical assistance and information as this process unfolds.

Under section 107(d)(1)(B) of the Act, EPA is required to issue final designations within two years of promulgation of the final National Ambient Air Quality Standard. 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 air quality data from the existing monitoring network is sufficient or where no additional data is expected to be available.

EPA will designate the remaining areas, where additional air quality information is expected from an expanded lead air monitoring network, by no later than October 15, 2011. States and Indian 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 Clean Air Act is intended to provide. Areas that are designated as not attaining the lead National Ambient Air Quality Standard will be required to adopt plans to reduce ambient concentrations of lead. We will keep New Jersey 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 212-637-5000 or have your staff contact Raymond Werner, Chief Air Programs Branch, at 212-637-3706.

Sincerely,



George Pavlou
Acting Regional Administrator

Enclosures

Cc: Mark N. Mauriello, Acting Commissioner
New Jersey Department of Environmental Protection