



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

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January 20, 2011

Mr. Shawn M. Garvin
Regional Administrator
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Garvin:

Pursuant to Section 107 (d) (1) (A) of the Clean Air Act and on behalf of the Governor of the Commonwealth of Virginia, I hereby submit the initial recommendations and comments on the designations of areas in Virginia under the 2010 1-Hour National Ambient Air Quality Standard (NAAQS) for Nitrogen Dioxide (NO₂). Furthermore, this letter is in direct response to your November 12, 2009, letter to Governor McDonnell that identified the requirement to submit these recommendations and the process to be followed.

The Department of Environmental Quality (DEQ) currently operates an ambient NO₂ monitoring network in Virginia. The latest ambient concentrations observed by this monitoring network are well below the level of the new standard (see Enclosure I). Furthermore, we believe that these observed levels are representative of the Commonwealth as a whole in regards to compliance with the new standard. However, it is recognized that these levels may not be representative of near-road and other high emissions locations that are targeted by the newly promulgated NO₂ monitoring requirements. It is also recognized that a large portion of Virginia is and will not be directly monitored for NO₂ levels due to resource considerations and constraints.

Therefore, I respectfully request that all of Virginia be designated as "unclassifiable" under the new NO₂ standard until additional monitoring data and other information become available for future designation determination purposes (see Enclosure II).

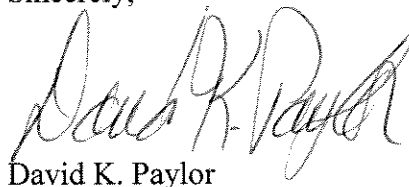
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At this time, I would also like to take the opportunity to identify two concerns that the DEQ has regarding this new standard.

- The near road monitoring requirement is a concern for several reasons. First, we question the representativeness of the data that will be collected at these sites as compared to pollution exposure experienced by the general public. The plan to then use this data to make compliance determinations and designations is even more troubling due to the predominant influence of motor vehicles at these monitors and the lack of reasonable and effective mitigation measures to address noncompliance in a timely manner.
- This standard will be a difficult challenge to major new or modified sources that must demonstrate compliance with the standard using air quality modeling techniques. In this regard, I urge EPA to issue reasonable and workable policies and guidance in a timely manner to facilitate the air permitting process. This is most important to continue to promote energy and economic development in Virginia.

Thank you again for this opportunity to provide input on this important issue for Virginia. Please contact me if you have any questions concerning these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "David K. Paylor". The signature is fluid and cursive, with the first name "David" being the most prominent.

David K. Paylor

Enclosures

cc: Douglas W. Domenech, Secretary of Natural Resources
Michael Dowd, DEQ Air Quality Division Director