

New York State Department of Environmental Conservation

Assistant Commissioner

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Alexander B. Grannis
Commissioner

OCT 15 2009

Mr. George Pavlou
Acting Regional Administrator
United States Environmental Protection Agency
290 Broadway, 26th Floor
New York, New York 10007-1866

Dear Acting Regional Administrator Pavlou:

On October 15, 2008, the United States Environmental Protection Agency (EPA) substantially strengthened the primary and secondary National Ambient Air Quality Standards (NAAQS) for lead. EPA has revised the value of the NAAQS to 0.15 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) from the previous value of 1.5 $\mu\text{g}/\text{m}^3$ established in 1978. We commend EPA for moving forward with appropriate actions for implementing the considerably strengthened lead NAAQS as a means to protect human health and the environment.

The Clean Air Act requires EPA to designate areas as attainment, nonattainment, or unclassifiable after the Agency establishes a new NAAQS, or revises an existing NAAQS. Consequently, states must make recommendations to EPA no later than October 15, 2009 for areas to be designated as attainment, nonattainment or unclassifiable. I am submitting New York State's designation recommendations for the revised lead NAAQS on behalf of Governor Paterson.

Where monitoring data are available, the appropriate attainment or nonattainment designation has been recommended. Because the significantly lower NAAQS requires additional monitoring in many areas, particularly urban areas with populations greater than 500,000, the New York State Department of Environmental Conservation (Department) must declare certain areas as 'attainment/unclassifiable' until monitoring has been established for a sufficient period of time. This request of an attainment/unclassifiable designation is reflective of preliminary monitoring data from various parts of the state which show values well within the level of the NAAQS. EPA has stated that it will designate these areas as being in attainment or nonattainment of the

revised lead NAAQS once the necessary three full years of monitoring data become available. The Department recommends the following:

Lead Designations for Large Urban Areas

EPA is requiring that states implement non-source-oriented monitoring in order to ensure overall compliance with the revised lead NAAQS. The monitors must be sited in metropolitan areas with populations exceeding 500,000. See Table 1 for the list of metropolitan areas in New York State to which this requirement applies.

Table 1: Areas Requiring Non-Source-Oriented Monitoring

Core Based Statistical Area	Population*	Counties
New York City portion of NY-N.NJ-LI MSA	12,354,726	Bronx, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester
Buffalo - Niagara Falls	1,137,520	Erie, Niagara
Rochester	1,035,435	Livingston, Monroe, Ontario, Orleans, Wayne
Albany - Schenectady - Troy	850,957	Albany, Rensselaer, Saratoga, Schenectady, Schoharie
Poughkeepsie - Newburgh - Middletown	671,538	Dutchess, Orange
Syracuse	650,051	Madison, Onondaga, Oswego

*U.S. Census Bureau estimate as of July 1, 2006

Lead monitoring data for the New York City metropolitan area for the years 2006 through 2008 is represented by the JHS 126 monitor, located in Brooklyn. These certified data are displayed in Table 2 below. The monitored values over these three years produce a maximum 3-month average concentration of 0.024 µg/m³. As this value is well within the revised NAAQS level, the Department recommends that the New York City portion of the New York-Northern New Jersey-Long Island, NY-NJ-PA metropolitan statistical area (MSA) be designated as attainment for the 2008 lead NAAQS.

Table 2: Lead Monitoring Data for New York City Metropolitan Area, 2006-2008

JHS 126 (AQS #36-047-0122)								
	Value	3-mo. Avg.		Value	3-mo. Avg.		Value	3-mo. Avg.
Jan-06	0.025	-	Jan-07	0.018	0.015	Jan-08	0.013	0.014
Feb-06	0.024	-	Feb-07	0.012	0.014	Feb-08	0.012	0.013
Mar-06	0.024	0.024	Mar-07	0.020	0.017	Mar-08	0.011	0.012
Apr-06	0.015	0.021	Apr-07	0.015	0.016	Apr-08	0.016	0.013
May-06	0.021	0.020	May-07	0.026	0.020	May-08	0.013	0.013
Jun-06	0.016	0.017	Jun-07	0.021	0.021	Jun-08	0.012	0.014
Jul-06	0.017	0.018	Jul-07	0.015	0.021	Jul-08	0.014	0.013
Aug-06	0.022	0.018	Aug-07	0.016	0.017	Aug-08	0.010	0.012
Sep-06	0.012	0.017	Sep-07	0.015	0.015	Sep-08	0.010	0.011
Oct-06	0.015	0.016	Oct-07	0.011	0.014	Oct-08	0.016	0.012
Nov-06	0.015	0.014	Nov-07	0.015	0.014	Nov-08	0.010	0.012
Dec-06	0.012	0.014	Dec-07	0.013	0.013	Dec-08	0.013	0.013
							Max:	0.024

The Department is currently planning to use the Scotchtown monitor in Middletown, NY, upwind of the Revere Smelting and Refining (RSR) facility, to fulfill the requirement of the population-based monitor in the Poughkeepsie-Newburgh-Middletown MSA. The Department will finalize its decisions for the population-based monitoring network in its 2010 Annual Monitoring Network Plan. As detailed in the next section and in Table 3, lead monitoring data for the 2006 to 2008 period at the Scotchtown monitor exhibit attainment of the revised NAAQS, with the highest 3-month average being $0.010 \mu\text{g}/\text{m}^3$. The Department therefore recommends that the Poughkeepsie-Newburgh-Middletown MSA, comprised of Orange and Dutchess Counties, be designated as attainment for the 2008 lead NAAQS.

The remaining metropolitan areas do not have appropriate monitoring data available to determine compliance with the revised standard at this time. This is either because monitoring has yet to be established, or existing monitors have not collected the requisite three years of data. The Department therefore recommends that the following metropolitan areas, as well as the remaining counties in New York State, be designated as attainment/unclassifiable for the 2008 lead NAAQS:

- Buffalo-Niagara Falls, NY MSA
- Rochester, NY MSA
- Albany-Schenectady-Troy, NY MSA
- Syracuse, NY MSA

The Department will include in its 2010 Annual Monitoring Network Plan its intentions to expand the lead monitoring network to cover all these urban areas. These monitors will be located “in neighborhoods with urban areas impacted by re-entrained dust from roadways, closed industrial sources which previously were significant sources of lead, hazardous waste sites, construction and demolition projects, or other fugitive dust sources of lead” (73 FR 67029). These new monitors will be installed and operational by January 1, 2011. Once enough data has been collected by these monitors to make an informed analysis of each area’s compliance status, EPA will make a final decision as to each designation.

Revere Smelting and Refining Corporation – Orange County, NY

The Department has recently reviewed lead emissions data to conclude that New York State contains no point sources above the 1 ton per year (tpy) threshold, which would make source-oriented monitoring a requirement. Emissions data from the 2005 Toxic Release Inventory indicate that the RSR facility located in Orange County is well below the 1 tpy monitoring threshold, at 0.38 tpy. Due to the amount of lead processed at this facility and the associated potential to violate the revised NAAQS, however, the Department will continue its monitoring operations around the RSR facility.

Lead monitoring data from the adjacent Ballard Road, Wakefurn Food and Scotchtown high-volume, total suspended particulate (TSP) monitors during the 2006 to 2008 timeframe exhibit 3-month averages well within the revised NAAQS. The highest 3-month value during this time period was registered by the Wakefurn monitor at a value of $0.086 \mu\text{g}/\text{m}^3$ for the 3-month period of April-June, 2008. Complete lead data for the 2006 to 2008 period can be viewed in Table 3. These data indicate that Orange County is in attainment of the 2008 lead NAAQS in regard to the source-oriented monitoring for RSR.

Table 3: Lead Monitoring Data for Revere Smelting and Refining Corporation, 2006-2008

	Ballard Rd (36-071-3001)		Wakefurn Food (36-071-3002)		Scotchtown (36-071-3004)	
	Value	3-mo. Avg.	Value	3-mo. Avg.	Value	3-mo. Avg.
Jan-06	0.020	-	0.029	-	0.008	-
Feb-06	0.015	-	0.041	-	0.008	-
Mar-06	0.021	0.019	0.057	0.042	0.008	0.008
Apr-06	0.040	0.025	0.091	0.063	0.008	0.008
May-06	0.036	0.032	0.055	0.068	0.005	0.007
Jun-06	0.009	0.028	0.051	0.066	0.003	0.005
Jul-06	0.013	0.019	0.017	0.041	0.005	0.004
Aug-06	0.019	0.014	0.034	0.034	0.003	0.004
Sep-06	0.065	0.032	0.032	0.028	0.003	0.004
Oct-06	0.023	0.036	0.083	0.050	0.010	0.005
Nov-06	0.021	0.036	0.058	0.058	0.008	0.007
Dec-06	0.016	0.020	0.081	0.074	0.005	0.008
Jan-07	0.019	0.019	0.025	0.055	0.005	0.006
Feb-07	0.007	0.014	0.046	0.051	0.004	0.005
Mar-07	0.027	0.018	0.022	0.031	0.006	0.005
Apr-07	0.017	0.017	0.103	0.057	0.003	0.004
May-07	0.024	0.023	0.018	0.048	0.004	0.004
Jun-07	0.020	0.020	0.045	0.055	0.005	0.004
Jul-07	0.035	0.026	0.018	0.027	0.004	0.004
Aug-07	0.032	0.029	0.015	0.026	0.006	0.005
Sep-07	0.033	0.033	0.058	0.030	0.007	0.006
Oct-07	0.028	0.031	0.023	0.032	0.015	0.009
Nov-07	0.027	0.029	0.023	0.035	0.007	0.010
Dec-07	0.014	0.023	0.025	0.024	0.005	0.009
Jan-08	0.033	0.025	0.037	0.028	0.007	0.006
Feb-08	0.007	0.018	0.027	0.030	0.004	0.005
Mar-08	0.034	0.025	0.041	0.035	0.006	0.006
Apr-08	0.039	0.027	0.078	0.049	0.008	0.006
May-08	0.025	0.033	0.101	0.073	0.005	0.006
Jun-08	0.018	0.027	0.079	0.086	0.005	0.006
Jul-08	0.059	0.034	0.044	0.075	0.012	0.007
Aug-08	0.038	0.038	0.081	0.068	0.010	0.009
Sep-08	0.021	0.039	0.063	0.063	0.005	0.009
Oct-08	0.026	0.028	0.096	0.080	0.005	0.007
Nov-08	0.012	0.020	0.047	0.069	0.004	0.005
Dec-08	0.026	0.021	0.044	0.062	0.008	0.006
	Max:	0.039	Max:	0.086	Max:	0.010

We believe that each of these recommendations is consistent with Section 107(d) of the Clean Air Act.

Should you have any questions regarding these recommendations, please do not hesitate to contact me at (518) 402-8537 or David J. Shaw, Director of the Department's Division of Air Resources, at (518) 402-8452.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Jared Snyder", with a long horizontal flourish extending to the right.

J. Jared Snyder
Assistant Commissioner
Office of Air Resources, Climate Change
& Energy