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November 19, 2012

Docket ID No. EPA-HQ-OAR-2012-0486

Environmental Protection Agency
Mail Code 6102T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on Revision to Ambient Nitrogen Dioxide Monitoring Requirements (“Proposed Revision”), which was published in the *Federal Register* on October 19, 2012 (77 *Federal Register* 64244). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 43 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The comments we offer are based upon that experience. The views expressed in these comments do not necessarily represent the positions of every state and local air pollution control agency in the country.

With this action EPA is proposing to revise the deadline for implementation of the near roadway nitrogen dioxide (NO₂) monitoring network, the requirements for which were set forth in Primary National Ambient Air Quality Standards for Nitrogen Dioxide; Final Rule, which was published in the *Federal Register* on February 9, 2010 (75 *Federal Register* 6474). State and local air pollution control agencies are required to establish one near roadway NO₂ monitor in each Core Based Statistical Area (CBSA) with a population of 500,000 or more and a second monitor in CBSAs with a population of 2.5 million or more or a roadway segment with 250,000 or more Annual Average Daily Traffic (AADT). EPA estimates this will result in approximately 126 new near roadway NO₂ monitoring sites in 103 CBSAs across the country. Under the current rule, all of these new monitors are required to be operational by January 1, 2013.

The Proposed Revision would instead establish a phased deployment approach to implementing the NO₂ near roadway monitoring network. In the first phase, one NO₂ near roadway monitor in each CBSA with a population

of 1 million or more would be required to be operational by January 1, 2014. A second monitor in each CBSA with a population of 2.5 million or more or a roadway segment with 250,000 or more AADT would be required by January 1, 2015. Finally, one monitor in each CBSA with a population more than 500,000, but less than 1 million, would be required by January 1, 2017.

NACAA supports the Proposed Revision and commends EPA for responding to the recommendations of state and local agencies to implement a phased approach to deployment of the NO₂ near roadway network via rulemaking.¹ The Proposed Revision is also in line with the recommendations of the Clean Air Scientific Advisory Committee (CASAC), which advised EPA that a phased implementation approach would provide additional time to ensure the best possible siting of the near roadway network so that the network is able to “evolve based on lessons learned from the Pilot Study as well as from the operation of the initial sites.”²

As noted in the preamble to the Proposed Revision,³ state and local agencies need additional, adequate federal funding in order to move forward with new monitoring requirements and continue to operate and maintain existing monitoring networks, which are crucial to the protection of public health and the environment. Implementing the NO₂ near roadway monitoring network requires the purchase of new equipment; installation of new sites; and additional staff, operation, and maintenance costs at a time when state and local agencies are already struggling with significant budget and staffing shortfalls.⁴ NACAA appreciates EPA’s recognition of these resource constraints and commitment to provide new federal funding under Clean Air Act §103 for implementation of the NO₂ near roadway network.

In addition to ensuring the best use of scarce resources, phasing implementation of the near roadway monitoring network will allow information gleaned from the first phase of sites to inform the placement of monitors in later phases, in line with CASAC’s suggestions for building an optimal network. Information on appropriate siting in the near roadway environment, such as near roadway gradient and spacial relationships, will help ensure that monitors continue to be placed in the most scientifically justifiable locations. This is especially important as EPA envisions a multipollutant near roadway monitoring network going forward. Data gathered from the initial sites are also necessary to provide valuable information on the extent of emissions of NO₂ and other pollutants near roadways and inform whether federal solutions are needed.

¹ See NACAA Comments on *U.S. Environmental Protection Agency (EPA) Office of Air and Radiation Draft Fiscal Year 2013 Program and Grant Guidance* (Mar. 26, 2012); NACAA Letter to EPA Assistant Administrator Gina McCarthy re Implementing Ambient Air Monitoring Requirements (Jun. 22, 2011).

² See CASAC Letter to EPA Administrator Lisa Jackson, “Review of the ‘Near-road Guidance Document – Outline’ and ‘Near-road Monitoring Pilot Study Objectives and Approach’” (Nov. 24, 2010).

³ 77 *Federal Register* at 64246-7.

⁴ See NACAA Comments on Proposed National Ambient Air Quality Standards for Nitrogen Dioxide (Sep. 14, 2009); NACAA Comments on Proposed National Ambient Air Quality Standards for Carbon Monoxide (Apr. 12, 2011); NACAA Comments on Proposed National Ambient Air Quality Standards for Particulate Matter (Aug. 31, 2012).

Finally, NACAA continues to encourage EPA to think creatively about a number of complicated implementation issues that are raised by the near roadway monitoring network and nonattainment area designations, and urges EPA to collaborate with NACAA in addressing them. This should include consultation with state and local agencies on important implementation issues such as designation boundaries and effective control measures that could be undertaken at the federal, state, and local levels. Current discussions regarding the network should also include issues anticipated to arise after data collection, as well as measures to address those issues.

Thank you for this opportunity to comment on the Proposed Revision. Please do not hesitate to contact either of us, or Misti Duvall of NACAA, if you have any questions or need further information.

Sincerely,



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