



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

JUN 14 2011

Honorable Andrew M. Cuomo
Governor of the State of New York
State Capitol
Albany, NY 12224

Dear Governor Cuomo:

Thank you for your October 15, 2009 recommendations on air quality designations for the revised National Ambient Air Quality Standards for lead throughout New York State. This letter is to notify you of the U.S. Environmental Protection Agency's (EPA's) preliminary decision to designate all of New York as unclassifiable/attainment, and to inform you of our approach for completing the designations for the revised lead standards. Reducing levels of lead pollution is an important part of the EPA's commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on IQ, learning, memory, and behavior.

On October 15, 2008, the EPA substantially strengthened the health-based or "primary" National Ambient Air Quality Standard by lowering it from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) – a level set in 1978 – to a level of $0.15 \mu\text{g}/\text{m}^3$. This stronger standard provides increased protection against adverse health effects associated with exposure to lead in at-risk groups, including children. To provide increased protection against lead-related environmental and other welfare effects, the EPA revised the secondary National Ambient Air Quality Standard to be identical in all respects to the revised primary standard. The EPA also determined that the pre-existing ambient lead monitoring network was inadequate for determining whether many areas are meeting the revised lead standards and established new criteria for siting ambient lead monitors and new data collection requirements. Monitors meeting the new network siting requirements were to begin operation January 1, 2010.

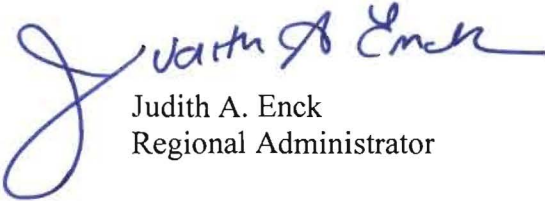
Within two years of promulgating new or revised National Ambient Air Quality Standards, the Clean Air Act requires the EPA to complete the initial process of identifying or designating areas that meet or do not meet an air quality standard. If the Administrator has insufficient information to make these designations, the EPA has the authority to extend the designation process by up to one year. In light of the new monitoring network, the EPA is completing the lead designations in two rounds. In the first round, published on November 16, 2010, the EPA designated as "nonattainment" 16 areas as violating the 2008 Lead National Ambient Air Quality Standards based on data from the pre-2010 monitoring network. For all other areas, the EPA extended the deadline for designations by up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. States were given an opportunity to update their recommendation letters for those remaining areas for our consideration in the second round of designations by December 15, 2010. The EPA intends to complete the second round of lead designations by no later than October 14, 2011. Therefore, this letter is the next step in the process for completing lead designations by October 14, 2011.

New York's October 15, 2009 letter recommended attainment for the metropolitan areas of New York City, Poughkeepsie-Newburgh-Middletown and Rochester, and unclassifiable/attainment for the rest of the State. Consistent with the Clean Air Act, and after carefully considering New York's October 15, 2009 letter and all the associated technical information for the 2008 Lead National Ambient Air Quality Standards, including the most recent air quality data from 2008-2010, the EPA is proposing to designate the metropolitan areas of New York City, Poughkeepsie-Newburgh-Middletown and Rochester as unclassifiable/attainment. The EPA uses this designation for initial designations to identify areas that have data indicating attainment, or where there is no evidence of a violation. EPA is also proposing to adopt the State's recommended designation for the remainder of the State as unclassifiable/attainment.

If your state has additional information that the EPA should consider with respect to our proposed modification to your designation recommendation, please submit it to us by August 15, 2011. The EPA's preliminary designation decisions and supporting documentation will be made available to the general public for review. We will be accepting comments through August 15, 2011. We will review any information we receive from the State of New York and the general public by this date, and we plan to promulgate the second round of final designations by October 14, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 Lead National Ambient Air Quality Standards. Should you have any questions, please do not hesitate to call me, or have your staff contact Raymond Werner of my staff at 212-637-3706.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith A. Enck". The signature is fluid and cursive, with a large initial "J".

Judith A. Enck
Regional Administrator

Enclosure

Cc: Joe Martens, Commissioner
New York State Department of Environmental Conservation

J. Jared Snyder, Assistant Commissioner
New York State Department of Environmental Conservation

David Shaw, Air Director
New York State Department of Environmental Conservation

Gina McCarthy, Assistant Administrator for Air and Radiation
Steven D. Page, Director, Office of Air Quality Planning and Standards