

BOBBY JINDAL  
GOVERNOR



PEGGY M. HATCH  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF THE SECRETARY  
August 24, 2011

Agency Interest (AI) No. 174157

Dr. Al Armendariz  
Regional Administrator  
U.S. EPA Region 6 (6-RA)  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

RE: Response to EPA's Correspondence of June 28, 2011  
Designation Recommendations – 1-hour NO<sub>2</sub> National Ambient Air Quality Standard  
EPA Docket ID: EPA-HQ-OAR-2006-0922

Dear Dr. Armendariz:

This letter is in response to your correspondence to Governor Jindal dated June 28, 2011, prepared pursuant to Section 107(d)(1)(B)(ii)<sup>1</sup> of the Clean Air Act (CAA), as amended, concerning the designation of air quality control regions within Louisiana with respect to the 1-hour National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO<sub>2</sub>).

According to your letter, EPA intends to designate all areas of Louisiana as "unclassifiable/attainment." However, such a designation is inconsistent with the CAA, EPA's final rule establishing the 1-hour NO<sub>2</sub> NAAQS,<sup>2</sup> and the Louisiana Department of Environmental Quality's (LDEQ's) recommendations transmitted to EPA by letter dated January 24, 2011. Moreover, EPA does not provide any explanation or rationale for disregarding LDEQ's recommendations, other than the conclusory statement that "the 'unclassifiable/attainment' designation better reflects the current air quality conditions." Louisiana disagrees with this assessment for several reasons.

**An "unclassifiable/attainment" designation ignores existing ambient air monitoring data.**

An "unclassifiable/attainment" designation ignores complete, quality assured, certified ambient air monitoring data that demonstrates a number of parishes are in attainment with the 1-hour NO<sub>2</sub> NAAQS.

Louisiana recognizes that EPA's final NO<sub>2</sub> NAAQS rule requires a two-tiered network design composed of near-road monitors to be placed in locations of "expected maximum 1-hour NO<sub>2</sub> concentrations near heavily trafficked roads in urban areas" and area-wide monitors to determine maximum expected NO<sub>2</sub> concentrations in neighborhoods. The monitoring provisions of EPA's final rule require that two new near-road NO<sub>2</sub> monitors be added to LDEQ's existing network of nine area monitoring sites. One near-road monitor will be required in the Baton Rouge Core Based Statistical Area (CBSA), and one will be required in the New Orleans CBSA.

<sup>1</sup> 42 U.S.C. 7407(d)(1)(B)(ii)

<sup>2</sup> Primary National Ambient Air Quality Standards for Nitrogen Dioxide (75 FR 6474), February 9, 2010

Although these new monitors will not be installed and designations will not be based on this data for several years, Louisiana has significant NO<sub>2</sub> monitoring data from existing community monitors. A list of these monitors and the current design value for each (for the 2008 - 2010 monitoring period) is provided below.

Site Name	Parish	CBSA	1-Hour NO <sub>2</sub> NAAQS 2010 Design Value (2008-2010 Data)	Annual NO <sub>2</sub> NAAQS 2010 Design Value (2008-2010 Data)
Dutchtown	Ascension	Baton Rouge	42	8.27
LSU	East Baton Rouge	Baton Rouge	53	11.32
Capitol (NCore)	East Baton Rouge	Baton Rouge	54	12.69
Pride	East Baton Rouge	Baton Rouge	17	2.55
Bayou Plaquemine	Iberville	Baton Rouge	28	4.23
Carville	Ascension	Baton Rouge	37	7.09
French Settlement	Livingston	Baton Rouge	19	2.91
Port Allen	West Baton Rouge	Baton Rouge	53	11.30
Kenner	Jefferson	New Orleans	48	7.76
Westlake	Calcasieu	Lake Charles	35	6.70
Baker <sup>3</sup>	East Baton Rouge	Baton Rouge	36	6.07
Grosse Tete <sup>4</sup>	Iberville	Baton Rouge	27	3.96

As you can see, the monitoring data demonstrates attainment with both the annual and 1-hour NO<sub>2</sub> standards. Because Calcasieu, Ascension, Iberville, and West Baton Rouge Parishes will not require near-road monitors, LDEQ recommended that these parishes be designated as attainment.

The “unclassifiable” aspect of EPA’s intended designation is not clear. Such a designation begs the question of under what circumstances these areas (in which additional monitoring is not required) could be redesignated as “attainment.”

**EPA’s data suggest an entire parish need not be designated as “unclassifiable/attainment,” even if a near-road monitor is required.**

For parishes that have monitored NO<sub>2</sub> values below both the 1-hour and annual NO<sub>2</sub> standards and that will require near-road monitors, LDEQ recommended a designation of “attainment” for the parish, except that the areas where near-road monitoring will be required were recommended as “unclassifiable.”

<sup>3</sup> The Baker monitor was shut down on November 22, 2010.

<sup>4</sup> The Grosse Tete monitor was shut down on November 22, 2010.

The preamble to the final NO<sub>2</sub> NAAQS rule emphasizes the importance of monitoring near-road conditions and specifically states “[s]ince the intent of the revised NAAQS is to limit exposure to peak NO<sub>2</sub> concentrations that occur anywhere in an area, monitors intended to measure the maximum allowable NO<sub>2</sub> concentration in an area should include measurements of the peak concentrations that occur on and near roads **due to on-road mobile sources**” (emphasis added).<sup>5</sup> The preamble further recognizes that peak NO<sub>2</sub> concentrations return to near area-wide or background concentrations very close to the road edge. EPA requires monitors be placed within 50 meters of targeted road segments and, in fact, rejected public comments suggesting that monitors could be placed as far away as 200 meters. In the preamble, EPA emphasized that:

[I]n light of the information provided here on how NO<sub>2</sub> peak concentrations can decay over relatively short distances away from roads, EPA strongly encourages States to place near-road sites, or at least monitor probes, as close as safely possible to target roads to increase the probability of measuring the peak NO<sub>2</sub> concentrations that occur in the near-road environment, again noting that ... monitor probes would ideally be situated between 10 and 20 meters from the nearest traffic lane for near-road pollutant monitoring.<sup>6</sup>

Delineation of the near-road “unclassifiable” areas was made accordingly. LDEQ collaborated with the Louisiana Department of Transportation and Development (DOTD) to evaluate the highway segments with the highest vehicular traffic counts. The highest traffic count locations were used as a starting point, and the boundaries were moved in each direction along the highway until reaching the first traffic-monitored location with a count of less than 50% of the highest location. The boundary width was chosen based upon EPA’s requirement that the monitor be placed within 50 meters of the road edge.

Considering how quickly NO<sub>2</sub> concentrations decay as distance from the roadway increases, it is unlikely that the *combination* of emissions from on-road mobile sources and stationary, industrial sources will result in violations of the 1-hour NO<sub>2</sub> NAAQS. In sum, designating an entire parish as “unclassifiable” is not appropriate when existing “area” monitors demonstrate attainment, even where additional near-road monitoring will be required by the new standard.

**There is no basis in the CAA for an “unclassifiable/attainment” designation.**

Finally, a designation of “unclassifiable/attainment” is not supported by the CAA. The Act specifically provides for only three designations:

- (i) nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant,
- (ii) attainment, any area (other than an area identified in clause (i)) that meets the national primary or secondary ambient air quality standard for the pollutant, or

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<sup>5</sup> 75 FR 6504

<sup>6</sup> 75 FR 6514

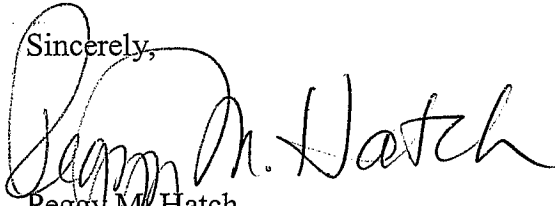
(iii) unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.<sup>7</sup>

Consistent with the CAA and previous EPA actions implementing NAAQS for other pollutants, Louisiana recommended a designation of "unclassifiable" for those parishes where no NO<sub>2</sub> monitors are currently in place.

For the reasons above, EPA's proposed designation of "unclassifiable/attainment" is not appropriate for the state of Louisiana. LDEQ has attached a copy of its original list of recommendations for the 64 parishes by air quality control region and requests that EPA reconsider this matter before finalizing designations with respect to the 1-hour NO<sub>2</sub> NAAQS.

If you have any questions about this matter, please contact Ms. Tegan Treadaway, Administrator of the Air Permits Division, at (225) 219-3408.

Sincerely,



Peggy M. Hatch  
Secretary

PMH:MDV

c: Thomas Diggs, EPA  
Guy Donaldson, EPA

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<sup>7</sup> 42 U.S.C. 7407(d)(1)(A)(i)-(iii)

**State of Louisiana  
2010 NO<sub>2</sub> Designation Recommendations**

**AQCR 019: Monroe-El Dorado Interstate**

<b>Designated Area</b>	<b>Recommended Designation</b>
Caldwell Parish	Unclassifiable
Catahoula Parish	Unclassifiable
Concordia Parish	Unclassifiable
East Carroll Parish	Unclassifiable
Franklin Parish	Unclassifiable
Grant Parish	Unclassifiable
La Salle Parish	Unclassifiable
Madison Parish	Unclassifiable
Ouachita Parish	Unclassifiable
Richland Parish	Unclassifiable
Tensas Parish	Unclassifiable
Union Parish	Unclassifiable
West Carroll Parish	Unclassifiable

**AQCR 022: Shreveport-Texarkana-Tyler Interstate**

<b>Designated Area</b>	<b>Recommended Designation</b>
Avoyelles Parish	Unclassifiable
Bienville Parish	Unclassifiable
Bossier Parish	Unclassifiable
Caddo Parish	Unclassifiable
Claiborne Parish	Unclassifiable
DeSoto Parish	Unclassifiable
Jackson Parish	Unclassifiable
Lincoln Parish	Unclassifiable
Natchitoches Parish	Unclassifiable
Rapides Parish	Unclassifiable
Red River Parish	Unclassifiable
Sabine Parish	Unclassifiable
Vernon Parish	Unclassifiable
Webster Parish	Unclassifiable
Winn Parish	Unclassifiable

**State of Louisiana  
2010 NO<sub>2</sub> Designation Recommendations**

**AQCR 106: S. Louisiana-SE Texas Interstate**

<b>Designated Area</b>	<b>Recommended Designation</b>
Acadia Parish	Unclassifiable
Allen Parish	Unclassifiable
<b>Ascension Parish</b>	<b>Attainment</b>
Assumption Parish	Unclassifiable
Beauregard Parish	Unclassifiable
<b>Calcasieu Parish</b>	<b>Attainment</b>
Cameron Parish	Unclassifiable
<b>East Baton Rouge Parish</b>	<b>Attainment</b> (except for near road)
▪ I-10 from Mile 155 to 164, 50 meters from edge	Unclassifiable (delineation for near road)
▪ I-12 from Mile 0 to 5, 50 meters from edge	Unclassifiable (delineation for near road)
East Feliciana Parish	Unclassifiable
Evangeline Parish	Unclassifiable
Iberia Parish	Unclassifiable
<b>Iberville Parish</b>	<b>Attainment</b>
Jefferson Davis Parish	Unclassifiable
<b>Jefferson Parish</b>	<b>Attainment</b> (except for near road)
▪ I-10 from Mile 224 to Orleans Parish Line, 50 meters from edge	Unclassifiable (delineation for near road)
Lafayette Parish	Unclassifiable
Lafourche Parish	Unclassifiable
<b>Livingston Parish</b>	<b>Attainment</b>
Orleans Parish	Unclassifiable
▪ I-10 from Jefferson Parish Line to Mile 237, 50 meters from edge	Unclassifiable (delineation for near road)
Plaquemines Parish	Unclassifiable
Pointe Coupee Parish	Unclassifiable
St. Bernard Parish	Unclassifiable
St. Charles Parish	Unclassifiable
St. Helena Parish	Unclassifiable
St. James Parish	Unclassifiable
St. John the Baptist Parish	Unclassifiable
St. Landry Parish	Unclassifiable
St. Martin Parish	Unclassifiable
St. Mary Parish	Unclassifiable
St. Tammany Parish	Unclassifiable
Tangipahoa Parish	Unclassifiable
Terrebonne Parish	Unclassifiable
Vermilion Parish	Unclassifiable
Washington Parish	Unclassifiable
<b>West Baton Rouge Parish</b>	<b>Attainment</b>
West Feliciana Parish	Unclassifiable