



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JUN 29 2011

The Honorable Earl Ray Tomblin  
Governor of West Virginia  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305

Dear Governor Tomblin:

Thank you for providing recommendations on West Virginia's air quality designations for the revised nitrogen dioxide (NO<sub>2</sub>) primary National Ambient Air Quality Standard (NAAQS) to the U.S. Environmental Protection Agency (EPA).

This letter is in response to West Virginia's designation recommendations, provides an opportunity for revisions to the previous recommendations for area boundaries, and provides information on EPA's approach for completing the designations for the revised NO<sub>2</sub> NAAQS.

On January 22, 2010, EPA strengthened the health-based NAAQS for NO<sub>2</sub> by setting a new 1-hour NO<sub>2</sub> standard at the level of 100 parts per billion (ppb). This new standard will protect against adverse health effects associated with short-term exposure to NO<sub>2</sub>, including respiratory effects that can result in admission to a hospital. EPA also retained with no change, the annual average NO<sub>2</sub> standard of 53 ppb. This suite of standards will protect public health by limiting people's exposures to short-term peak concentrations of NO<sub>2</sub> and by limiting community-wide NO<sub>2</sub> concentrations to levels below those that have been linked to respiratory-related emergency department visits and hospital admissions in the United States. To determine compliance with the new standard, EPA established new ambient air monitoring and reporting requirements for NO<sub>2</sub>. In urban areas, monitors are required near major roads as well as in other locations where maximum concentrations are expected. Additional monitors will be required in some large urban areas to measure the highest concentrations of NO<sub>2</sub> that occur more broadly across communities.

In the preamble to the 2010 NO<sub>2</sub> NAAQS and in EPA's October 2010 letter to you requesting designation recommendations, the Agency stated that it expected to designate most areas of the country as unclassifiable, indicating that there are insufficient data to determine whether or not an area is attaining the revised NO<sub>2</sub> NAAQS. This approach took into account that the new monitoring network requirements established with the revised NO<sub>2</sub> NAAQS will not be effective until January 2013 and that air quality data from these new monitors will not be available to inform these initial designations.

EPA reviewed the recommendations and will designate all monitored areas throughout the nation, including the State of West Virginia, as unclassifiable/attainment rather than unclassifiable. Based on air quality data from 2008-2010, all monitored areas in the country

meet the 2010 NO<sub>2</sub> NAAQS. While EPA acknowledges that the existing NO<sub>2</sub> monitoring network does not provide adequate evidence to determine whether or not the new NAAQS is met in all areas, there currently is no evidence of violations anywhere in the country. The unclassifiable/attainment designation better reflects the current air quality conditions. EPA intends to redesignate areas, as appropriate, after sufficient air quality data from the new monitoring network are available.

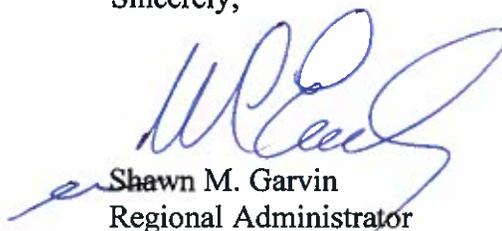
EPA intends to designate the State of West Virginia as unclassifiable/attainment using the boundaries the State of West Virginia recommended to EPA in January 2011 or any revised boundaries you may provide in response to this letter. In past designations, for the majority of states, the area of the state where the air quality could not be classified or was better than the national standards, was given a statewide, or rest of state designation. However, EPA recommends that states carefully consider the implications for the Prevention of Significant Deterioration (PSD) program of having the entire state designated as a single area versus having the state designated as smaller areas (e.g., counties, groups of counties, etc.) to ensure that the unclassifiable/attainment designation(s) are consistent with their objectives for managing air quality deterioration and economic growth. EPA also recommends that state permitting staff be consulted on the boundary issues as they may have insights on how the size of designated areas will affect the state's permitting program as well as air quality and economic growth objectives.

If your state has additional information that EPA should consider with respect to EPA's designation recommendations, please submit it to EPA by August 29, 2011. EPA's preliminary designation decisions and supporting documentation will be available to the general public for review and a thirty day public comment period upon publication in the *Federal Register*. EPA plans to review and respond to comments and promulgate the final designations by October 31, 2011.

We look forward to a continued dialogue with you and your staff as we work together to implement the 2010 NO<sub>2</sub> NAAQS.

If you have any questions, please do not hesitate to contact me or have your staff contact Mrs. Jessica Greathouse, EPA's West Virginia Liaison, at (304) 224-3181.

Sincerely,



Shawn M. Garvin  
Regional Administrator

cc: Honorable Randy Huffman, Secretary  
West Virginia Department of Environmental Protection  
Ms. Gina McCarthy, Assistant Administrator  
for Air and Radiation