



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
**75 Hawthorne Street**  
**San Francisco, CA 94105-3901**

**OCT 14 2009**

**OFFICE OF THE  
REGIONAL ADMINISTRATOR**

The Honorable Jan Brewer  
Governor of Arizona  
1700 West Washington  
Phoenix, AZ 85007

Dear Governor Brewer:

I am writing in follow-up to Administrator Lisa Jackson's October 8 letter notifying you that the U.S. Environmental Protection Agency (EPA) has determined that changes are necessary to air quality designations within your state.

As explained in more detail below, these changes include promulgation of an initial designation of nonattainment for the 2006 24-hour national ambient air quality standard (NAAQS) for fine particles (PM<sub>2.5</sub>), a revised designation of nonattainment for the 1997 annual PM<sub>2.5</sub> NAAQS, and a revised designation of nonattainment for the 1987 24-hour PM<sub>10</sub> NAAQS. These changes are necessary based upon violations of all three standards in Pinal County, reflected in the most recently available air quality monitoring data for this area for 2006–2008.

Designation for the 2006 24-hour PM<sub>2.5</sub> NAAQS

Your state submitted its initial list of recommendations for designations to EPA by letter from Janet Napolitano, Governor, dated December 19, 2007. Last year, EPA notified you of its agreement with those recommendations by letter from Wayne Nastri, Regional Administrator, dated August 8, 2008.

EPA had intended to finalize the designation decisions in December of 2008. Due to the change of Administration, however, EPA did not complete the process at that time. Therefore, at the request of the new Administration, EPA has reviewed the status of areas for the 2006 24-hour PM<sub>2.5</sub> NAAQS in order to assure that the final decisions reflect current policy and the most up-to-date air quality monitoring data. In particular, this review has allowed consideration of 2006–2008 data for all areas. The new data indicate that an additional area in Arizona, Pinal County, now appears to be violating the 2006 24-hour PM<sub>2.5</sub> NAAQS leading EPA to believe that further modifications to your state's initial recommendations may be necessary. EPA is therefore deferring the designation for Pinal County for the 2006 24-hour PM<sub>2.5</sub> NAAQS so that EPA can collect and evaluate additional information before promulgating a designation.

Consistent with the approach used to assess other potential nonattainment areas, EPA also intends to evaluate relevant technical data for the ring of counties immediately surrounding Pinal County to determine whether any of these nearby counties contribute to the violation. EPA

is therefore deferring the designations for these counties<sup>1</sup> for the 2006 24-hour PM<sub>2.5</sub> NAAQS so that EPA can collect additional information sufficient to assess these areas before promulgating designations. We recognize that these are large geographical areas, and we recognize that the counties surrounding Pinal County are currently attaining the 2006 24-hour PM<sub>2.5</sub> NAAQS. Looking at the counties surrounding Pinal County is only a starting point for the evaluation; it should not be assumed that the final designated nonattainment area will include these counties. Consideration of the relatively long distances across which PM<sub>2.5</sub> and PM<sub>2.5</sub> precursors can be transported should be balanced with a key purpose of designations, which is to identify those nearby contributing areas that should be included within a designated nonattainment area to ensure the development of an appropriate State Implementation Plan for the area. This is explained further in the Federal Register notice for final 24-hour PM<sub>2.5</sub> designations, at [www.epa.gov/pmdesignations/2006standards/regs.htm#3](http://www.epa.gov/pmdesignations/2006standards/regs.htm#3). Factors that should be considered as the basis for nonattainment area boundaries are described in a guidance memorandum entitled “Area Designations for the Revised 24-Hour Fine Particle National Ambient Air Quality Standard” from Robert J. Meyers, dated June 8, 2007 (enclosed).

When EPA’s evaluation is complete, we will notify you of our intended designation and boundary for this area. Following this notification, which we will provide at least 120 days prior to promulgating a final designation, you will have the opportunity to comment on EPA’s intended designation and to provide additional information to inform the final decision.

#### Designation for the 1997 annual PM<sub>2.5</sub> NAAQS

On January 5, 2005, EPA designated Pinal County, and surrounding areas, as “unclassifiable/attainment” for the 1997 annual PM<sub>2.5</sub> NAAQS because this area was then meeting the standard. Unfortunately, the most recent air quality monitoring data for PM<sub>2.5</sub>, for the period from 2006-2008, indicate that Pinal County is now violating the 1997 annual PM<sub>2.5</sub> NAAQS. As a result of this violation, EPA is initiating the process under Clean Air Act section 107(d)(3) to redesignate Pinal County, along with any nearby areas that may be contributing to the violations in Pinal County, as “nonattainment” for the 1997 annual PM<sub>2.5</sub> NAAQS.

As a first step in this process, EPA is requesting that you provide your recommendations for the redesignation of Pinal County, and any nearby areas that may be contributing to violations in Pinal County, within 120 days of the receipt of this letter. EPA recommends that you assess the geographic boundaries for this area using the guidance for nonattainment area boundaries that EPA previously provided for designations for the 1997 PM<sub>2.5</sub> NAAQS. EPA provided this guidance in a Memorandum entitled “Designations for the Fine Particle National Ambient Air Quality Standards,” from Jeffrey R. Holmstead, dated April 1, 2003 (enclosed).

EPA also provided additional guidance on defining area boundaries for PM<sub>2.5</sub> designations in a memo from Lydia N. Wegman, dated February 12, 2004 (enclosed). EPA believes that Pinal County and those nearby areas that may be contributing to the violations are

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<sup>1</sup> The additional counties for which EPA will defer designation are Cochise County, Gila County, Graham County, La Paz County, Maricopa County, Pima County, Yavapai County, and Yuma County.

an appropriate starting point for the evaluation for this NAAQS and will evaluate your recommendation and the data in accordance with the previously issued guidance.

Designation for the 1987 24-hour PM<sub>10</sub> NAAQS

The most recent air quality monitoring data for PM<sub>10</sub>, for the period 2006-2008, indicate that Pinal County is now violating the 24-hour PM<sub>10</sub> NAAQS. As a result of this violation, EPA is initiating the process to redesignate Pinal County, and any nearby areas that may be contributing to the violations in Pinal County, as “nonattainment” for the 24-hour PM<sub>10</sub> NAAQS. EPA is therefore requesting that you also provide your recommendations for the redesignation of Pinal County, and any nearby areas that may be contributing to violations in Pinal County, for this NAAQS within 120 days of the receipt of this letter.

EPA recommends that you assess the geographic boundary for the 24-hour PM<sub>10</sub> NAAQS in light of the different nature of PM<sub>10</sub>. The boundary for this NAAQS may or may not be comparable to those that are appropriate for the different particles addressed by the 2006 24-hour PM<sub>2.5</sub> NAAQS and the 1997 annual PM<sub>2.5</sub> NAAQS.

We look forward to continuing to work with you and your staff to develop area designations. EPA will evaluate your recommendations and will work with your staff to assure that the final designations and boundaries for each of the NAAQS are appropriate, based on the relevant facts and circumstances. After promulgation of the new designations for this area for these NAAQS, EPA will likewise work with your staff to develop appropriate State Implementation Plans to assure the public health protections intended by the standards. If you have any questions, please do not hesitate to contact me. Your air quality staff may wish to contact Deborah Jordan, Air Division Director at (415) 947-8715 or Colleen McKaughan, Associate Air Division Director at (520) 498-0118.

Sincerely,



Laura Yoshi  
Acting Regional Administrator

Enclosures

cc: Benjamin H. Grumbles, Director, Arizona Department of Environmental Quality  
Patrick Cunningham, Deputy Director, Arizona Department of Environmental Quality  
Nancy Wrona, Director, Air Quality Division, Arizona Department of Environmental Quality  
Don Gabrielson, Director, Pinal County Air Quality Control District  
Lawrence Odle, Director, Maricopa County Air Quality Department  
Ursula Kramer, Director, Pima County Department of Environmental Quality