



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

22 JAN 1986

MEMORANDUM

SUBJECT: Ambient Air Policy
FROM: Gerald A. Emison, Director
Office of Air Quality Planning and Standards (MD-10)
TO: See Below

Attached is a letter, in response to an inquiry from the American Petroleum Institute, that addresses the status of our national ambient air policy. Our response reinforces the position that the ambient air policy has been adequately defined and does not require policy review at this time.

Attachment

cc: P. Wyckoff

Addressees:

Director, Air Management Division, Regions I, III, V, IX
Director, Air & Waste Management Division, Region II
Director, Air, Pesticides, & Toxic Mgt. Division, Regions IV, VI
Director, Air & Toxics Division, Regions VII, VIII, X



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

22 JAN 1986

William F. O'Keefe, Vice President
American Petroleum Institute
1220 L Street Northwest
Washington, D. C. 20005

Dear Mr. O'Keefe:

Mr. Elkins has asked me to respond to your letter of December 18, 1985, in which you perceive a change in our policy with regard to the location of receptors for air quality dispersion modeling.

Let me assure you there is no change in our long-standing national policy with regard to the definition of ambient air. That policy is based on 40 CFR Part 50.1 (e) which defines ambient air as "... that portion of the atmosphere, external to buildings, to which the general public has access." A letter dated December 19, 1980, from Douglas Costle to Senator Jennings Randolph, reaffirmed and clarified this definition by stating the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers. A copy of Mr. Costle's letter is enclosed. The codified definition plus the 1980 clarification essentially constitute the national policy on ambient air.

The Regional Meteorologists' memorandum to which you refer does not imply any change in this national policy and simply harmonizes modeling procedures with our long-standing policy. It is intended to ensure consistent Regional implementation of that policy and to dispel any questions about pollutant concentrations at locations where the general public has access.

Thus, since the Regional Meteorologists' memorandum does not imply any change in our policy, I do not believe there is any need for policy review at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald A. Emison".

Gerald A. Emison
Director

Office of Air Quality Planning
and Standards

Enclosure

cc: W. Quanstrom
C. Elkins

ENCLOSURE

DEC 19 1980

Honorable Jennings Randolph
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for your letter of October 23, 1980 expressing your continued interest in the Agency's definition of "ambient air." During the time since David Hawkins, my Assistant Administrator for Air, Noise, and Radiation, met with you last February, the definition has been extensively reviewed and debated.

After reviewing the issues and alternatives, I have determined that no change from the existing policy is necessary. We are retaining the policy that the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers. EPA will continue to review individual situations on a case-by-case basis to ensure that the public is adequately protected and that there is no attempt by sources to circumvent the requirement of Section 123 of the Clean Air Act.

I hope that this has been responsive to your needs.

Sincerely yours,

/s/ Douglas M. Costle

Douglas M. Costle

1223
American Petroleum Institute
1220 L Street, Northwest
Washington, D.C. 20005
202-682-8300



William F. O'Keefe
Vice President

December 18, 1985

Mr. Charles Elkins
Acting Assistant Administrator
for Air and Radiation
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Elkins:

It has come to our attention that several EPA Regions are proposing to change their policy with regard to the location of receptors established for air quality dispersion modeling. The justification for this appears to be a memo that ten Regional meteorologists sent to the head of EPA's modeling program, Mr. Joseph Tikvart, construing the proper definition of "air quality" and where National Ambient Air Quality Standards (NAAQS) ought to apply.

We believe that these decisions are of major policy import and should not be made at the Regional level but, rather, ought to be made at headquarters by the Office of Air and Radiation and, ultimately, by the Administrator of EPA. An appropriate procedure for addressing any such decision would be formal modification of EPA's existing Air Quality Dispersion Modeling Guidelines.

These issues are important for several reasons. First, these definitions go to the heart of the Clean Air Act--to where, why, and how it protects air quality in the United States. On its face, this involves major policy considerations affecting EPA and State air permitting programs. Second, changes in receptor locations clearly have significant and strong economic implications in all sections of the United States. These implications will affect both present and future emissions sources of various air pollutants, particularly sulfur oxides and total suspended particulates. Third, such an important decision deserves the opportunity for public comment and response to the Agency's position.

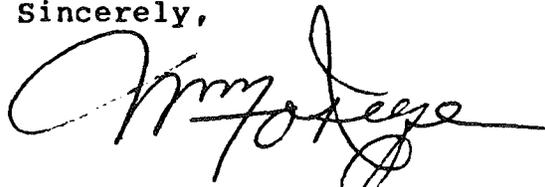
Mr. Charles Elkins
December 18, 1985
Page Two

Not only are changes in receptor location important, but they necessarily involve substantial technical issues which deserve open discussion before resolution. Accordingly, we believe such an important policy decision should involve a modification of the Agency's underlying Air Quality Dispersion Modeling Guidelines. If this were undertaken and public input sought, the Agency could meet the objective of the Administrative Procedure Act and the special rulemaking requirements of the Clean Air Act: satisfy due process for the parties affected by the proposal, and take advantage of the technical expertise outside the Agency.

For all these reasons, we would like you to ensure that the proposed new receptor location policy, as described in the attached memorandum and letter, is not adopted without a full and complete review by the policy offices at EPA headquarters and a final decision by the Administrator.

Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. F. O'Keefe", written in dark ink.

William F. O'Keefe

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

DATE MAY 16 1985

SUBJECT: Ambient Air

231613111

FROM: Michael Koerber for
Regional Meteorologists, Regions I-X

TO: Joseph Tikvart, Chief (MD-14)
Source Receptor Analysis Branch

At the recent Regional Meteorologists' meeting in Dallas, we identified inconsistencies among the Regional Offices on what areas are to be considered as ambient air for regulatory purposes. The existing inconsistency on ambient air is due to both the lack of clear National guidance and the allowed Regional Office discretion. A standardized approach is necessary both to satisfy the consistency requirements of Section 301 of the Clean Air Act and in order for those responsible for Regional modeling activities to provide effective and efficient review of and guidance on modeling analyses. Accordingly, the Regional Meteorologists have decided to address the problem at the working level through the use of a consistent modeling approach.

40 CFR Part 50.1(e) defines ambient air as "... that portion of the atmosphere, external to buildings, to which the general public has access." A letter dated December 19, 1980, from Douglas Costle to Senator Jennings Randolph, clarified this definition by stating that the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers." The codified definition plus the 1980 clarification essentially constitute the National policy on ambient air.

The Regional Meteorologists propose that for modeling purposes the air everywhere outside of contiguous plant property to which public access is precluded by a fence or other effective physical barrier should be considered in locating receptors. Specifically, for stationary source modeling, receptors should be placed anywhere outside inaccessible plant property. For example, receptors should be included over bodies of water, over unfenced plant property, on buildings, over roadways, and over property owned by other sources. For mobile source modeling (i.e., CO modeling), receptors should continue to be sited in accordance with Volume 9 of the "Guidelines for Air Quality Maintenance Planning".

Unless you disagree with our position, we will require new actions with modeling analyses submitted to EPA after January 1, 1986, to conform to this modeling policy. Please note that all 10 Regional Meteorologists have reviewed and concur with this memo.

cc: Regional Meteorologists, Regions I-X

H
RBS
LMT
FLW
WET



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

SEP 4 1985

Harry D. Williams, Director
Air Pollution Control Division
Indiana State Board of Health
1330 W. Michigan Street
Indianapolis, Indiana 46206

RECEIVED

SEP 4 1985

State of
Air Pollution Control Div.
Air Pollution Control Section

Dear Mr. Williams:

On April 4, 1985, Region V sent out guidance on the issue of receptors over water for modeling purposes. This letter merely formalized a long-standing Regional policy on this issue. Several events have occurred, however, that have caused us to change our policy. The most significant of these is the initiative taken by the ten Regional Meteorologists on ambient air (see Attachment #1).

Region V concurs with the Regional Meteorologists' proposal to place receptors everywhere outside of contiguous plant property to which public access is precluded by a fence or other effective physical barrier. This includes over water, over unfenced plant property, on buildings, over roadways, and over property owned by other sources. What is persuasive about this proposal is that the ten Regional modeling experts all affirmed the ability of USEPA's models to provide reasonable concentration estimates anywhere over land or water. All new actions with modeling analyses submitted to Region V after January 1, 1986 must conform to this policy.

Since this represents a change in our Region's previous policy, it is appropriate to address the reasons cited in our April 4, 1985 letter for not requiring receptors over water. These reasons all centered on our concern about the validity of our models at extended downwind distances over water. Please understand that we still have this concern and will consider the need to model at extended distances on a case-by-case basis. Because maximum impacts tend to occur in the vicinity of a given source, however, this is not generally expected to be an issue.

If you have any questions concerning this letter, please contact Mike Koerber at (312)-886-6061.

Sincerely,

David Kee, Director
Air Management Division (5A-26)

cc: J. Tikvart
T. Helms
State Modeling Contact

7239

Amoco Corporation

200 East Randolph Drive
Chicago, Illinois 60601

Environmental Affairs & Safety Department
312-856-2506

Walter Roy Quanstrom
General Manager

December 19, 1985

Mr. Charles Elkins
Acting Assistance Administrator
for Air and Radiation
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20024

Dear Mr. Elkins:

Ambient Air Quality Receptors Used in Dispersion Modeling

Amoco Corporation, on behalf of its subsidiaries, would like to present comments on proposed changes to the locations of receptors used for air quality dispersion modeling. We understand that several EPA regions are proposing changes as described in the attached memorandum and letter. The justification for these changes in policy appears to be a memo from ten Regional meteorologists which was sent to the head of EPA's modeling program, Mr. Joseph Tikvort, construing the proper definition of "ambient air quality" and where National Ambient Air Quality Standards (NAAQS) should apply.

We believe that these decisions represent a major policy initiative and should be made at EPA headquarters by the Office of Air and Radiation and ultimately by the Administrator of EPA, not by Regional personnel at midlevel positions in the Agency. We further believe that such policy decisions should include an opportunity for public comment, which is incorporated into the final rulemaking process.

Policy changes in this area are important for several reasons. First, these definitions go to the heart of the Clean Air Act--to where, why, and how air quality in the United States is protected. These involve major policy considerations affecting EPA and state air permitting programs. Second, changes in receptor location clearly have significant and potentially strong economic implications in all sections of the United States. These implications will effect both present and future emissions sources of various air pollutants, particularly sulfur oxides and total suspended particulates. Third, we believe that such an important decision requires the opportunity for public comment and response to the Agency's position. Finally, there are many substantive technical issues raised by this proposed policy; these need to be discussed and resolved, and we would very much appreciate the opportunity to participate in such a resolution process.

For these reasons, we would strongly request that a receptor location policy, which is not presently in the existing or the recently proposed

Modeling Guideline, not be adopted without a full and complete review by the policy offices at EPA headquarters and a final decision by the Administrator.

Sincerely,

Walter R. Quantenoff

WRQ/gib

Attachments