

U.S. ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 58

[AD-FRL-]

RIN 2060-AF71

Ambient Air Quality Surveillance for Lead

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed Rule

SUMMARY: Lead air pollution levels measured near the Nation's roadways have decreased 97 percent between 1976 and 1995 with the elimination of lead in gasoline used by on-road mobile sources. Because of this historic decrease, EPA is shifting its ambient air monitoring focus from measuring lead air pollutant concentrations emanating from mobile source emissions toward a focus on stationary point sources of lead air pollution. Today's action proposes to revise the part 58 lead air monitoring regulations to allow many lead monitoring stations to be discontinued while maintaining a core lead monitoring network in urban areas to track continued compliance with the lead National Ambient Air Quality Standards (NAAQS). This action also requires lead ambient air monitoring around lead stationary sources.

This action is being taken at the direct request of numerous State and local agencies whose on-road mobile source-oriented lead monitors have been reporting peak lead air pollution values that are many times less than the

quarterly lead NAAQS of $1.5\mu\text{g}/\text{m}^3$ for many years.

Approximately 70 of the National Air Monitoring Stations (NAMS) and a number of the State and Local Air Monitoring Stations (SLAMS) could be discontinued with this action, thus making more resources available to those State and local agencies to deploy lead air quality monitors around heretofore unmonitored lead stationary sources.

DATES: Comments must be submitted on or before **[insert date 30 days after date of publication in the Federal Register.]**

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Air Docket (LE-131), US Environmental Protection Agency, Attn. Docket No. A-91-22, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Brenda Millar, Emissions, Monitoring, and Analysis Division (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone: (919) 541-4036, e-mail: millar.brenda@email.epa.gov.

SUPPLEMENTARY INFORMATION:

I. AUTHORITY

Sections 110, 301(a), and 319 of the Clean Air Act as amended 42 U.S.C. 7410, 7601(a), 7619.

II. BACKGROUND

The current ambient air monitoring regulations that pertain to lead air sampling were written in the 1970's when lead emissions from on-road mobile sources (e.g., automobiles, trucks) were the predominant lead air emission source affecting our communities. As such, the current lead monitoring requirements focus primarily upon the idea of determining the air quality impacts from major roadways and urban traffic arterial highways. Since the 1970's, lead has been removed from gasoline sources for on-road vehicles (on-road vehicles now account for less than 1 percent of total lead emissions), and a 97 percent decrease in lead air pollution levels measured in our neighborhoods and near roadways has occurred nationwide. Because of this historic decrease, EPA is reducing its requirements for measuring lead air pollutant concentrations near major highways, and is focusing on stationary point sources and their impacts on neighboring populations.

The current lead air monitoring regulations require that each urbanized area with a population of 500,000 or more operate at least two lead NAMS, one of which must be a roadway-oriented site and the second must be a neighborhood site with nearby traffic arteries or other major roadways. There are approximately 85 NAMS in operation and reporting

data for 1996. This action would reduce this NAMS requirement to include one NAMS site in one of the two largest Metropolitan Statistical Areas (MSA/CMSA) within each of the ten EPA Regions, and one NAMS population-oriented site in each populated area (either a MSA/CMSA, town, or county) where lead violations have been measured over the most recent 8 calendar quarters. This latter requirement is designed to provide information to citizens living in areas that have one or more lead stationary sources that are causing recent air quality violations. At present, the MSA/CMSAs, cities, or counties that have one or more quarterly Pb NAAQS violations that would be subject to this requirement include:

Table 1. CMSA/MSA's or Counties with One or More Lead NAAQS Violations in 1995-1996	
CMSA/MSA or County	Contributing Lead Source(s)
Philadelphia-Wilmington-Atlantic City CMSA	Franklin Smelter in Philadelphia County, PA
Tampa-St. Petersburg-Clearwater MSA	Gulf Coast Lead in Hillsborough County, FL
Memphis MSA	Refined Metals in Shelby County, TN
Nashville MSA	General Smelting in Williamson County, TN
St. Louis MSA	Chemetco in Madison County, IL, and Doe Run in Jefferson County, MO
Cleveland-Akron CMSA	Master Metals in Cuyahoga County, OH
Iron County, MO	ASARCO in/near Hogan, MO
Omaha MSA	ASARCO in Douglas County, NE
Lewis and Clark County, MT	ASARCO in/near East Helena, MT

Data from these NAMS will be used to assess national trends in lead ambient air pollution. Figure 1 demonstrates the effect that these monitoring reductions will have on our national lead air pollutant trends.

For other monitoring within the SLAMS network, EPA is proposing to require, State and local agencies to focus their efforts toward establishing air monitoring networks around lead stationary sources which are causing or have a potential to cause exceedances of the quarterly lead NAAQS.

Many of these sources have been identified through EPA's ongoing Lead NAAQS Attainment Strategy, and monitoring has already been established. In general, stationary sources emitting five or more tons per year are considered to be candidates for additional lead monitoring, although smaller stationary sources may also be problematic depending upon the facility's size and proximity to neighborhoods. EPA recommends a minimum of two sites per source, one located for stack emission impacts and the other for fugitive emission impacts. Variations of this two-site network are expected as source type, topography, locations of neighboring populations, and other factors play a role in how to most appropriately design such a network. EPA guidance for lead monitoring around point sources has been developed and is available through a variety of sources including the National Technical Information Service (703-487-4650), and electronic forms accessible through EPA's Office of Air Quality Planning & Standards Technology

Transfer Network, Ambient Monitoring Technology Information Center (AMTIC) bulletin board system at <http://ttnwww.rtpnc.epa.gov>.

In addition to the changes to the lead monitoring requirements, EPA proposes several minor changes to update and correct regulatory provisions to current practices. Specifically this affects 40 CFR part 58 §§ 58.31, 58.34, 58.41, Appendix B, Appendix D Sections 3.2 and 3.3, and Appendix G Sections 1 and 2b.

III. ADMINISTRATIVE REQUIREMENTS SECTION

A. Executive Order 12866

Under Executive Order 12866 (58 F.R. 51735, October 4, 1993), EPA must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations or recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of the Executive Order 12866 and is therefore not subject to formal OMB review.

B. Paperwork Reduction Act

Today's action does not impose any new information collection burden. This action proposes to revise the part 58 air monitoring regulations for lead to allow many monitoring sites to be discontinued. The Office of Management and Budget (OMB) has previously approved the information collection requirements in the part 58 regulation under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2060-0084 (EPA ICR No. 0940.13 and revised by 0940.14).

C. Impact on Small Entities

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions whose jurisdictions are less than 50,000 people. This proposal will not have a significant impact on a substantial number of small entities because it does not impact small entities whose jurisdictions cover less than 50,000 people. Pursuant to the provision of 5 USC 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities.

Since this modification is classified as minor, no additional reviews are required.

D. Unfunded Mandates Reform Act of 1995

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final standards that include a Federal mandate that may result in estimated costs to State, local, or tribal governments, or to the private sector, of, in the aggregate, \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the standard and is consistent with statutory requirements.

Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the standards. The EPA has determined that this action does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments. Therefore, the requirements of the Unfunded Mandates Act of 1995 do not apply to this action.

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List of Subjects in 40 CFR Part 58

Air pollution control, Intergovernmental relations,
Reporting and record keeping requirements, Quality assurance
requirements, Ambient air quality monitoring network.

Date

Administrator

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