

EPA TIGHTENS NATIONAL AMBIENT AIR QUALITY STANDARDS FOR LEAD¹

On October 15, 2008, EPA issued massively tightened National Ambient Air Quality Standards (NAAQS) for lead. This is the first change in NAAQS for lead since 1978.

1978 Lead Standard

Under the 1978 lead standard, counties had to meet a primary (health-based) standard and a secondary (environmental welfare-based) standard of 1.5 micrograms per cubic meter measured as total suspended particles (TSP). The new rule sets the primary and secondary standards at 0.15 micrograms per cubic meter. This means that there is a tenfold reduction in acceptable lead levels.

New Rule

EPA estimates that the cost of the new rule will be between \$150 million to \$2.8 billion annually. (As stated below, that is really a “guesstimate” because EPA simply does not know how many counties will be affected or the full cost of compliance.) The industries most likely to be affected include: blast furnaces and steel mills; nonferrous metals rolling, drawing and extrusion; chemical producers; electric utilities; rubber and plastics producers; electrical equipment producers; transportation equipment producers; and stone, clay, and glass producers.

Currently only 111 out of over 3,000 counties are monitored for lead. Of those 111 monitored counties, 18 counties violate the new standard of 0.15 micrograms per cubic meter. Since the existing monitoring network for lead is so sparse, EPA acknowledges that it is nearly impossible to know how many counties will be non-attainment areas for this new standard. EPA is currently redesigning the monitoring network by requiring that monitors be placed in areas with sources that emit one ton or more per year of lead, as well as in urban areas with more than 500,000 people.

As with the new ozone standards, the consequences of non-attainment are twofold. First, it will be difficult in non-attainment counties to either modify an existing facility or to build new a new facility of a type that emits lead. Second, affected manufacturers in non-attainment counties will have to implement lead capture technologies or make process changes to reduce lead emissions. EPA, in its Regulatory Impact Analysis, identifies some control measures that can be used to meet the new standard. These control measures include an increased electrostatic precipitator collector plate area for EGU boilers, capture hoods that route particulate matter emissions from a blast furnace casthouse to a fabric filter at iron and steel mills, diesel particulate filters for stationary sources such as diesel generators, and upgrading existing particulate matter control measures. EPA also notes that in some counties these measures may not be sufficient and that unidentified control measures will represent the majority of the costs incurred.

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Timeline

Under the new rule, by October 2009, states will make recommendations for areas to be designated attainment or non-attainment under the 0.15 micrograms per cubic meter standard. EPA will make final designations of attainment and non-attainment areas beginning in 2010 and finish the final designations by January 2012. The designations become effective 60 days after publication in the Federal Register.

Additionally, when EPA issues non-attainment designations, states will have to submit to EPA State Implementation Plans (SIPs) to achieve the more stringent limits. These SIPs are due no later than June 2013. Such plans typically involve mandatory emission reductions at specific types of facilities within the state. The goal is to bring each county nationwide into compliance with the new lead standards no later than five years from the effective date of the non-attainment designation. (This deadline will be different for different counties since EPA is not making the final designations all at once.) Job losses and forced closure of facilities can result when it is not economically practical to achieve the more stringent limits at a given facility.

If you would like additional information, please contact our firm at www.nwbllc.com

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