

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:)	
)	
Designation of Sixteen PM ₁₀ Nonattainment)	Rulemaking petition under
Areas, Reclassification of Six PM ₁₀)	the Administrative Procedure
Nonattainment Areas from Moderate to Serious,)	5 U.S.C. § 551, <i>et seq.</i> , and the Clean
and Call for the Revision of Applicable State)	Air Act, 42 U.S.C. § 7401, <i>et seq.</i>
Implementation Plans Over their Failure to)	
Attain and Maintain the National Ambient Air)	
Quality Standards)	

PETITION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO:

(1) DESIGNATE SIXTEEN AREAS AS NONATTAINMENT FOR THE PM10 NATIONAL AMBIENT AIR QUALITY STANDARDS;

(2) BUMP UP THE CLASSIFICATION OF SIX PM10 NONATTAINMENT AREAS FROM MODERATE TO SERIOUS DUE TO THEIR FAILURE TO ATTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARDS; AND

(3) CALL FOR THE REVISION OF THE RELEVANT STATE IMPLEMENTATION PLANS DUE TO THEIR FAILURE TO ATTAIN AND/OR MAINTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARDS

WildEarth Guardians hereby petitions the Administrator of the Environmental Protection Agency (“Administrator” or “EPA”), pursuant to the Administrative Procedure Act (“APA”), 5 U.S.C. § 551, *et seq.*; the Clean Air Act, 42 U.S.C. § 7401, *et seq.*; and the EPA’s Clean Air Act implementing regulations, to undertake the following actions:

1. Designate sixteen areas as nonattainment for the primary and secondary national ambient air quality standards (“NAAQS”) for particulate matter less than 10 microns in diameter, or PM₁₀ pursuant to Section 107(d)(3) of the Clean Air Act. *See* 42 U.S.C. § 7407(d)(3). These areas include: Boise, Idaho; Alamosa, Colorado; Durango, Colorado; Grand Junction, Colorado; Lamar, Colorado; Pagosa Springs, Colorado; Albuquerque, New Mexico; Deming, New Mexico; Sunland Park, New Mexico; Chaparral, New Mexico; Las Cruces, New Mexico; Tulsa, Oklahoma; Laramie, Wyoming; Campbell County,

Wyoming; Lincoln County, Wyoming; and Sweetwater County, Wyoming. According to available air quality data, these areas have failed and are continuing to fail to meet the primary and secondary PM₁₀ NAAQS. *See* 40 C.F.R. § 50.6. Under the Clean Air Act, a nonattainment area is “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant.” 42 U.S.C. § 7407(d)(1)(A)(i). These areas are not currently designated as nonattainment, but must be redesignated on the basis of available air quality data.

2. Bump up the classification of six areas that are currently designated nonattainment for PM₁₀ from Moderate to Serious pursuant to Section 188(b)(2) of the Clean Air Act. *See* 42 U.S.C. § 7513(b)(2). These areas include: Ajo, Arizona; Nogales, Arizona; Rillito, Arizona; Yuma, Arizona; Anthony, New Mexico; and Utah County, Utah. Under the Clean Air Act, PM₁₀ nonattainment areas are initially classified as Moderate. However, the Clean Air Act provides that if the Administrator finds that any Moderate nonattainment area is not in attainment after the applicable attainment date, the area shall be reclassified as a Serious nonattainment area. In this case, available air quality data shows that these six areas have failed to attain the PM₁₀ NAAQS after the applicable attainment date. Thus, these areas must be bumped up in classification from Moderate to Serious.
3. Call for the revision of the Arizona, Colorado, Idaho, New Mexico, Oklahoma, Utah, and Wyoming State Implementation Plans (“SIPs”) pursuant to Section 110(k)(5) of the Clean Air Act. *See* 42 U.S.C. § 7410(k)(5). Available air quality data demonstrates that the SIPs for these states are substantially inadequate to attain and/or maintain the primary and secondary PM₁₀ NAAQS.

The need to undertake these actions is critical. As the EPA itself has recognized, PM₁₀ is a threat to public health and welfare. The current NAAQS limit PM₁₀ concentrations in the ambient air to no more than 150 micrograms/cubic meter over a 24-hour period. *See* 40 C.F.R. § 50.6. At a size of 1/7th the width of a human hair, PM₁₀ includes extremely small particles that can be inhaled, causing myriad adverse health impacts, including:

- Increased respiratory symptoms such as irritation of the airways, coughing, or difficulty breathing;
- Decreased lung function;
- Aggravated asthma;
- Development of chronic bronchitis;

- Irregular heartbeat;
- Nonfatal heart attacks; and
- Premature death in people with heart or lung disease.

See U.S. EPA, “Particulate Matter, Health,” website available at

<http://www.epa.gov/air/particlepollution/health.html> (last accessed Oct. 16, 2013). As indicated

by air quality data, PM₁₀ is a problem within these areas. Undertaking the requested actions will ensure that PM₁₀ air pollution is reduced, affording greater protection to the people in these areas. Undertaking the requested actions will ensure that the problem is resolved, rather than continuing unabated.

PETITIONER

WildEarth Guardians is a Santa Fe, New Mexico-based conservation group with offices in Denver and elsewhere in the American West. WildEarth Guardians is dedicated to protecting and restoring the wildlife, wild rivers, and wild places of the American West. To this end, WildEarth Guardians seeks to safeguard clean air and the climate by promoting cleaner energy, efficiency and conservation, and alternatives to fossil fuels.

BACKGROUND AND PROCEDURAL AUTHORITY

WildEarth Guardians petitions the EPA pursuant to the APA. See 5 U.S.C. § 551, *et seq.* The APA specifically requires that “[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.” 5 U.S.C. § 553(e). A rule is defined as “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy[.]” 5 U.S.C. § 551(4). The

requested actions constitute a request that the EPA issue a rule or rules that are required by the Clean Air Act.

Under the Clean Air Act, the Administrator identifies criteria air pollutants that may reasonably be anticipated to endanger public health and welfare. *See* 42 U.S.C. § 7408(a)(1). Once criteria air pollutants are identified, the EPA is required to promulgate NAAQS for such pollutants. *See* 42 U.S.C. § 7409(a). The EPA is obligated to establish primary NAAQS for a criteria pollutant at a level “requisite to protect the public health.” *Id.* at § (b)(1). The EPA is also obligated to establish secondary NAAQS for a criteria pollutant at a level “requisite to protect the public welfare[.]” *Id.* at § (b)(2).

Once a NAAQS is promulgated, the EPA must initially identify areas that meet or do not meet the NAAQS within two years. *See* 42 U.S.C. § 7407(d). Any area that is not meeting the NAAQS is considered to be in nonattainment while any area that is meeting the NAAQS is considered to be in attainment. *Id.* at § (d)(1)(A)(i).

If air quality data indicates an attainment area is not meeting the NAAQS, the EPA has the authority to redesignate the area to nonattainment. *See* 42 U.S.C. § 7407(d)(3). To do so, the EPA must first notify the Governor of a State that available information indicates that the designation of the area must be revised from attainment to nonattainment. *Id.* at § 7407(d)(3)(A). Such a notification triggers a 120-day deadline by which the Governor must submit a request to redesignate the area. *Id.* at § 7407(d)(3)(B). Upon receiving a recommendation from a Governor, the EPA must promulgate the redesignation within 120 days. *Id.* at § 7407(d)(3)(C). If the Governor does not submit a recommendation for a redesignation in response to a notification from the EPA, the Administrator must promulgate such redesignation as she deems appropriate. *Id.*

The EPA first promulgated primary and secondary PM₁₀ NAAQS in 1987, limiting 24-hour concentrations to no more than 150 micrograms/cubic meter. *See* 52 Fed. Reg. 24663 (July 1, 1987). In 1997 and again in 2006, the EPA decided to retain the primary and secondary 24-hour PM₁₀ NAAQS.

The 24-hour PM₁₀ NAAQS are violated whenever the expected number of exceedances in any one-year period exceeds 1.0. *See* 40 C.F.R. § 50.6(a). The expected number of exceedances in any one-year period is determined by recording the number of exceedances in each calendar year and then averaging them over the past three calendar years. *See* 40 C.F.R. § 50, Appendix K, 2.1(a). The three-year average is also known as the “exceedance based design value.”

PM₁₀ is often distinguished as “coarse” particle pollution given that the EPA has also established NAAQS for PM_{2.5}, or particles less than 2.5 microns in diameter, otherwise known as “fine” particle pollution. Both “coarse” and “fine” particle pollution are of concern given their ability to be deposited “in the alveolar and tracheobronchial regions,” which, if inhaled, can lead to a number of adverse respiratory symptoms. *See* 71 Fed. Reg. 61144, 61178 (Oct. 17, 2006). In its most recent decision to retain the 24-hour PM₁₀ NAAQS, the EPA stated “there is a growing body of evidence suggesting causal associations between short-term exposure to thoracic coarse particles and morbidity effects, such as respiratory symptoms and hospital admissions for respiratory diseases, and possibly mortality.” *Id.* at 61185.

Initially, an area not meeting the PM₁₀ NAAQS is designated a “Moderate” nonattainment area. *See* 42 U.S.C. § 7513(a). Moderate areas are required to attain the PM₁₀ NAAQS within six years after the area’s designation. *Id.* at § 7513(c)(1). If the EPA finds that a Moderate nonattainment area is not in attainment after the applicable attainment date, the area must be reclassified as a “Serious” nonattainment area. *Id.* at § 7513(b)(2). Serious PM₁₀

nonattainment areas are subject to more stringent emission reduction requirements than Moderate PM₁₀ nonattainment areas. *See e.g.* 42 U.S.C. § 7513a(b). For example, States must ensure that “best available,” rather than “reasonably available,” control measures are implemented to reduce PM₁₀ pollution within Serious nonattainment areas. *See Id.* at 7513a(b)(1)(B).

Under the Clean Air Act, states prepare and submit SIPs to the EPA in order to attain and maintain the NAAQS, including the PM₁₀ NAAQS. *See* 42 U.S.C. § 7410(a). The SIP is a living document that the State and EPA can, from time to time, revise as necessary. EPA is authorized pursuant to the Clean Air Act to initiate rulemaking proceedings and to call for SIP revisions when a SIP is substantially inadequate to attain or maintain the NAAQS, or otherwise fails to meet the requirements of the Clean Air Act. *See* 42 U.S.C. § 7410(k)(5). In fact, EPA must “*require* the State to revise the SIP as necessary to correct such inadequacies.” *Id.* (emphasis added).

The APA requires EPA to conclude the matter raised in this petition within a reasonable time. *See* 5 U.S.C. § 555(b). Furthermore, the Clean Air Act contemplates that the EPA will not delay unreasonably in addressing matters before it. *See* 42 U.S.C. § 7604(a) (providing that citizens can file suit against the EPA over unreasonable delay). Given that air quality data unequivocally demonstrates that the petitioned actions are warranted, WildEarth Guardians requests EPA expedite resolution of this matter and respond no later than 90 days after receiving this petition.

BASIS FOR THE ADMINISTRATOR TO UNDERTAKE THE PETITIONED ACTIONS

Petitioner brings its request on the basis of EPA air quality monitoring data demonstrating that the areas named in this petition are currently in violation of the PM₁₀ NAAQS

based on data from the years 2010-2012. *See* EPA, “Design Values,” available at <http://www.epa.gov/airtrends/values.html> (last accessed Oct. 16, 2013). Data available on the EPA’s “Design Values” website indicates that the most recent exceedance-based design value for each area exceeds 1.0 and that these areas are therefore in violation. This data is attached to this petition as Exhibit 1. The EPA expressly states in its design value data that all the areas identified in this petition have violated the NAAQS based on 2010-2012 monitoring data.

For areas not yet designated nonattainment, this data demonstrates these areas must be designated nonattainment for PM₁₀. For areas already designated as nonattainment and classified as Moderate, this data demonstrates the EPA must bump up their classification to Serious. For all areas, this data demonstrates that they are failing to attain and maintain the PM₁₀ NAAQS in accordance with Section 110 of the Clean Air Act.

Below, we explain the basis for our request that areas be designated as nonattainment, be bumped up to a “Serious” classification, and that EPA call for the revision of the applicable SIPs.

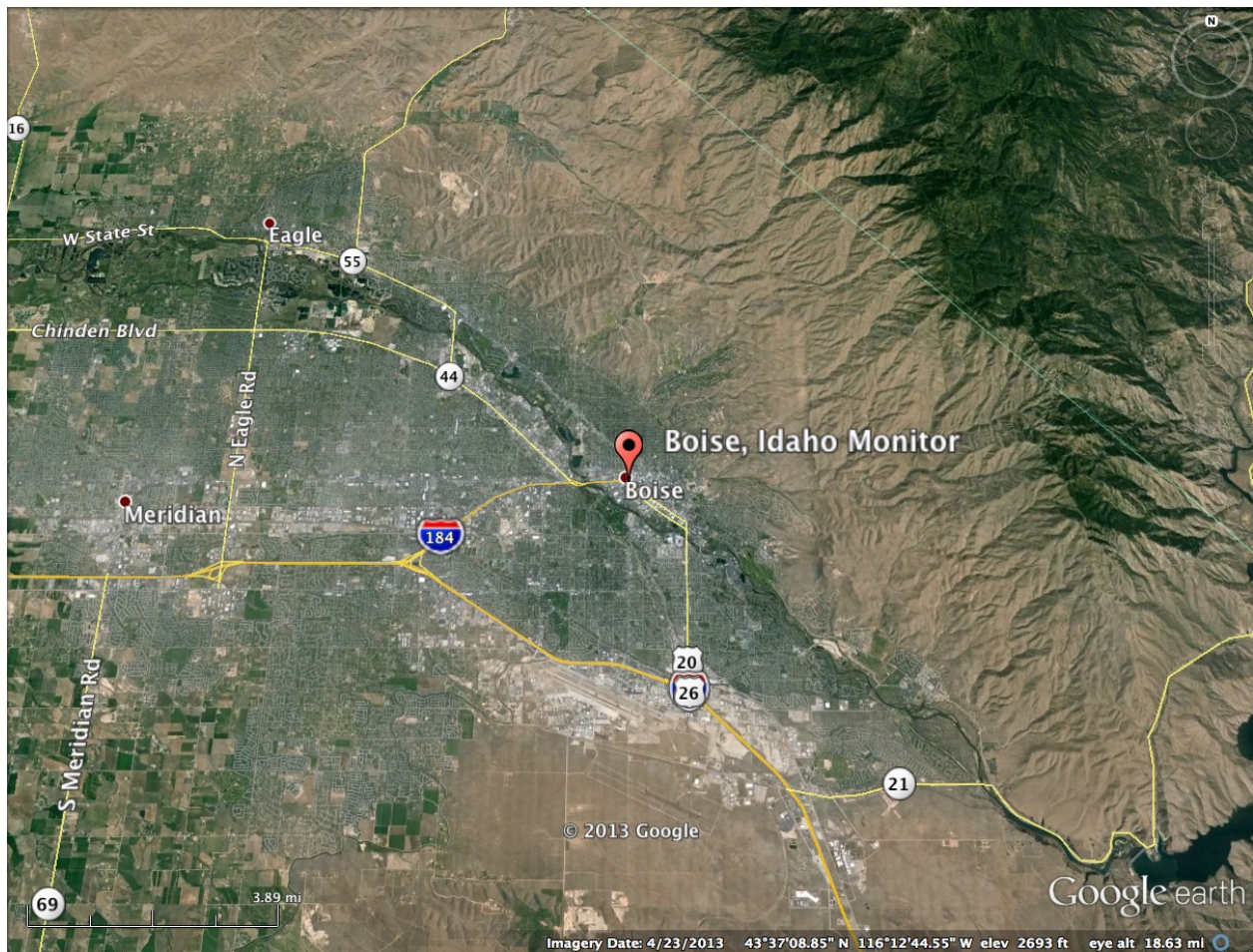
1. Designation as Nonattainment¹

a. Boise, Idaho

According to EPA data, the city of Boise, Idaho in Ada County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 160010009, is shown in the map below. The monitor is located in downtown Boise.

¹ A nonattainment area is defined as “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard[.]” 42 U.S.C. § 7407(d)(1)(A)(i). Pursuant to this definition, WildEarth Guardians requests that in designating nonattainment areas, the EPA delineate such areas to ensure the boundaries include any and all areas that are not meeting, or that contribute to violations in nearby areas that do not meet, the PM₁₀ NAAQS.

Location of Boise, Idaho Monitor



This data shows that the three-year average of the number of exceedances at this monitoring site is 1.4, thereby violating the 24-hour PM_{10} NAAQS. *See* table below. This data demonstrates that Boise, Idaho, and potentially surrounding portions of Ada County must be designated nonattainment for the 24-hour PM_{10} NAAQS.

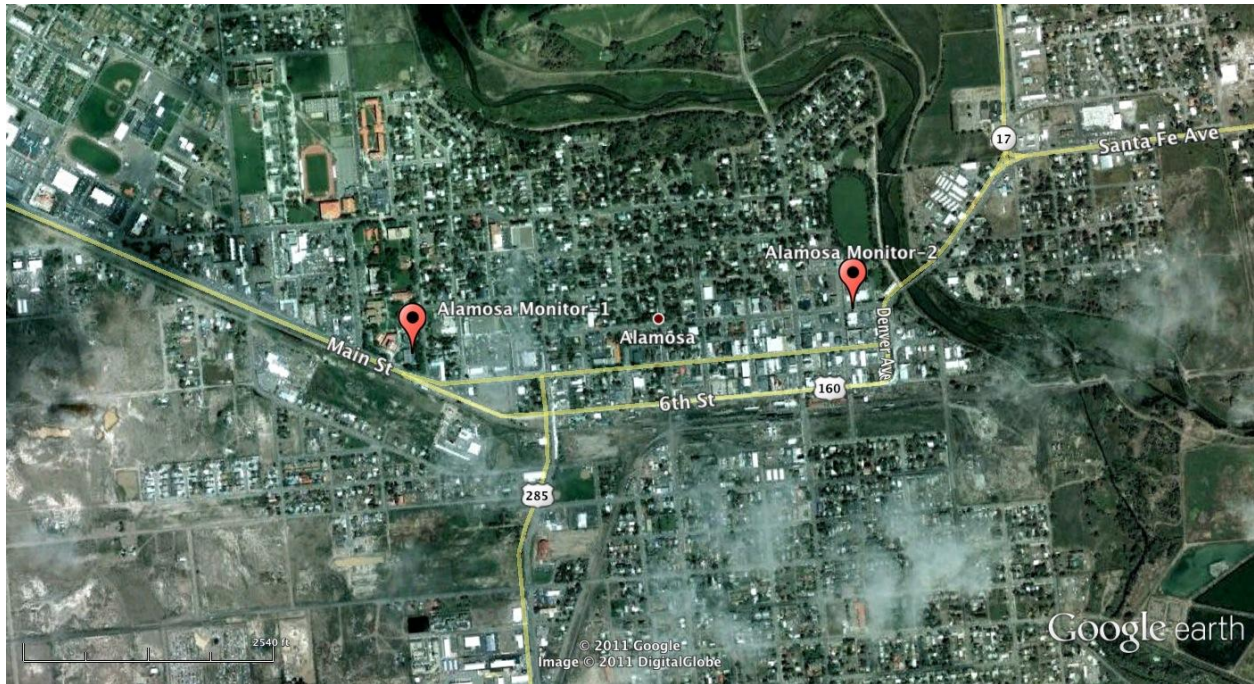
Boise, Idaho PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2008-2010 Expected Number of Exceedances
ID	Ada	Boise	Boise-Nampa	10	160010009	1.4

b. Alamosa, Colorado

According to EPA data, Alamosa, Colorado, located in Alamosa County is in violation of the PM₁₀ NAAQS at two monitoring sites based on 2010-2012 monitoring data. The location of these monitors, which are identified as 080030001 and 080030003, are shown in the map below. The monitors are located directly in the town of Alamosa.

Location of Alamosa, Colorado Monitors



This data shows that the three-year average of the number of exceedances at monitoring site 080030001 is 3.5 and 4.3 at monitoring site 080030003, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Alamosa, Colorado, as well as

potentially surrounding areas of Alamosa County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

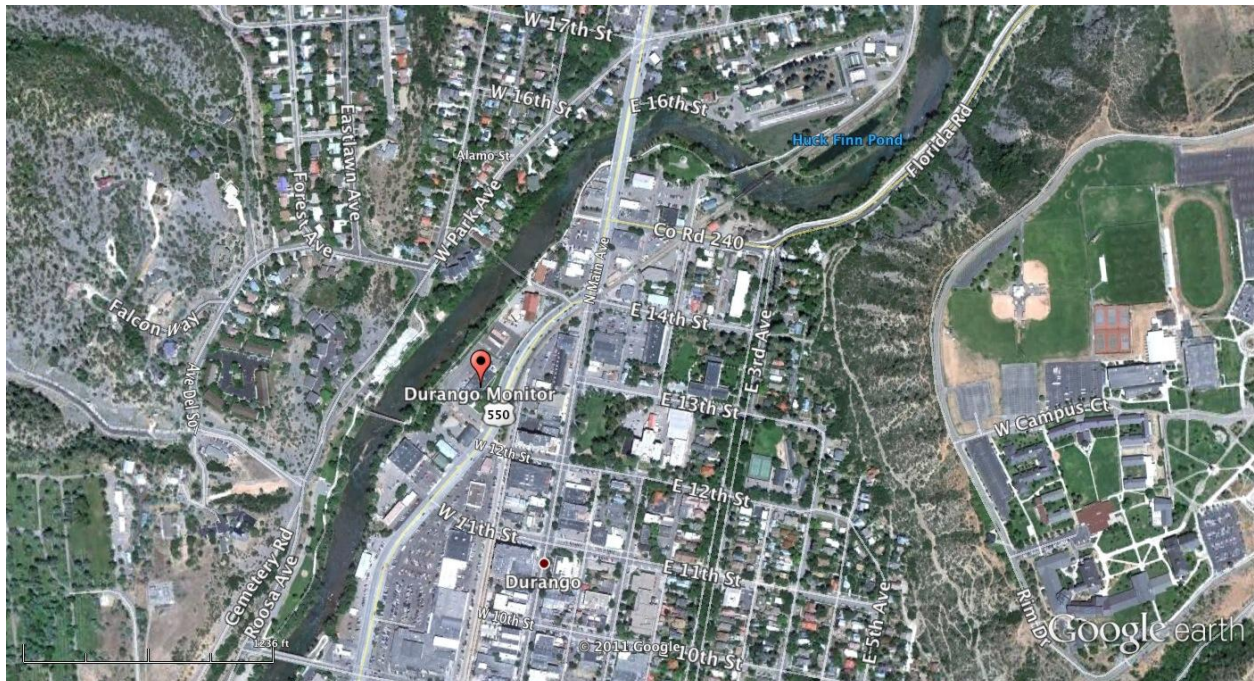
Alamosa, CO PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
CO	Alamosa	Alamosa		8	080030001	3.5
CO	Alamosa	Alamosa		8	080030003	4.3

c. Durango, Colorado

According to EPA data, Durango, Colorado in La Plata County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 080450004, is shown in the map below. The monitor is located in downtown Durango.

Location of Durango, Colorado Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 080670005 is 2.0, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that Durango, Colorado, as well as potentially surrounding areas of La Plata County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

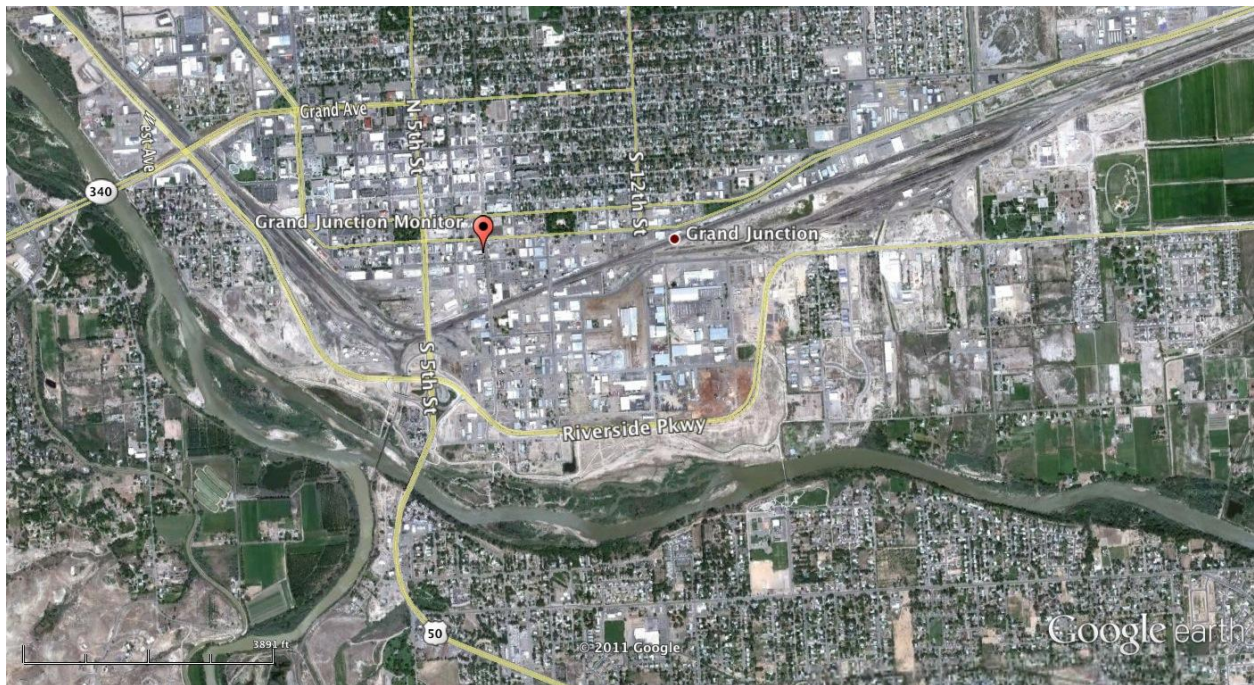
Durango, CO PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
CO	La Plata	Durango	Durango	8	080670005	2.0

d. Grand Junction, Colorado

According to EPA data, Grand Junction, Colorado in Mesa County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 080770017, is shown in the map below. The monitor is located in downtown Grand Junction.

Location of Grand Junction, Colorado Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 080770017 is 1.2, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that Grand Junction, Colorado, as well as potentially surrounding areas of Mesa County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

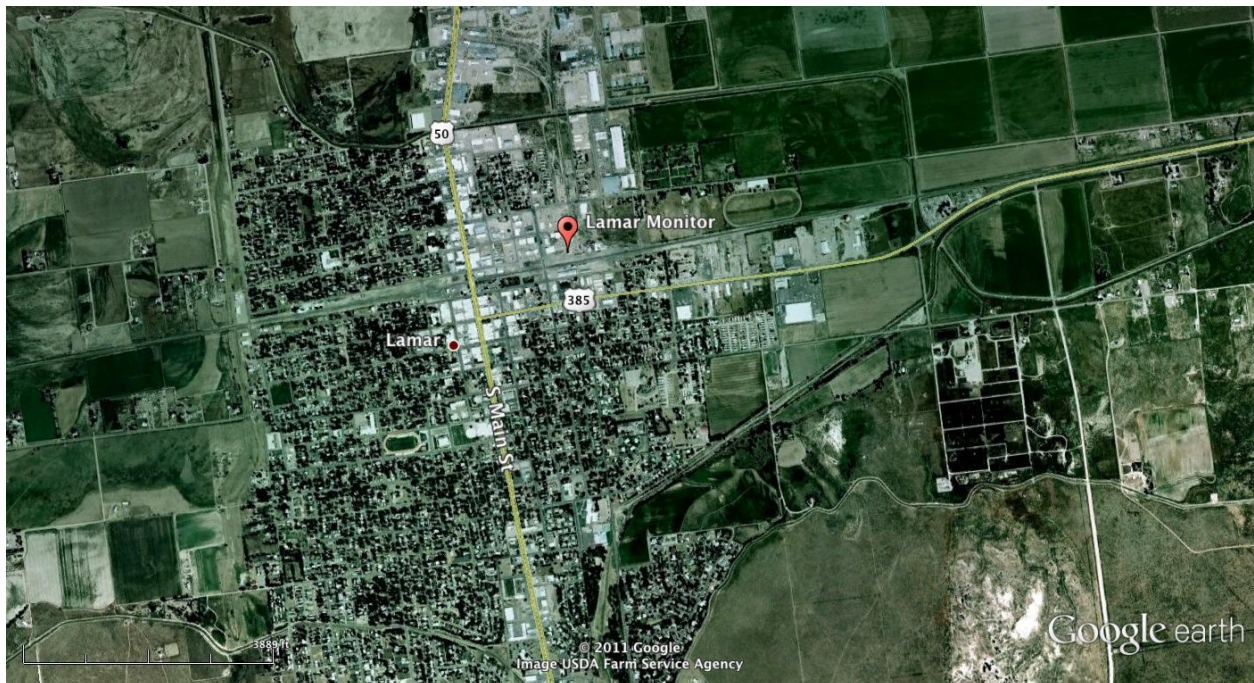
Grand Junction, CO PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
CO	Mesa	Grand Junction	Grand Junction	8	080770017	1.2

e. Lamar, Colorado

According to EPA data, Lamar, Colorado in Prowers County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 080990001, is shown in the map below. The monitor is located in the town of Lamar.

Location of Lamar, Colorado Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 080990001 is 1.7, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that Lamar, Colorado, as well as potentially surrounding areas of Prowers County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

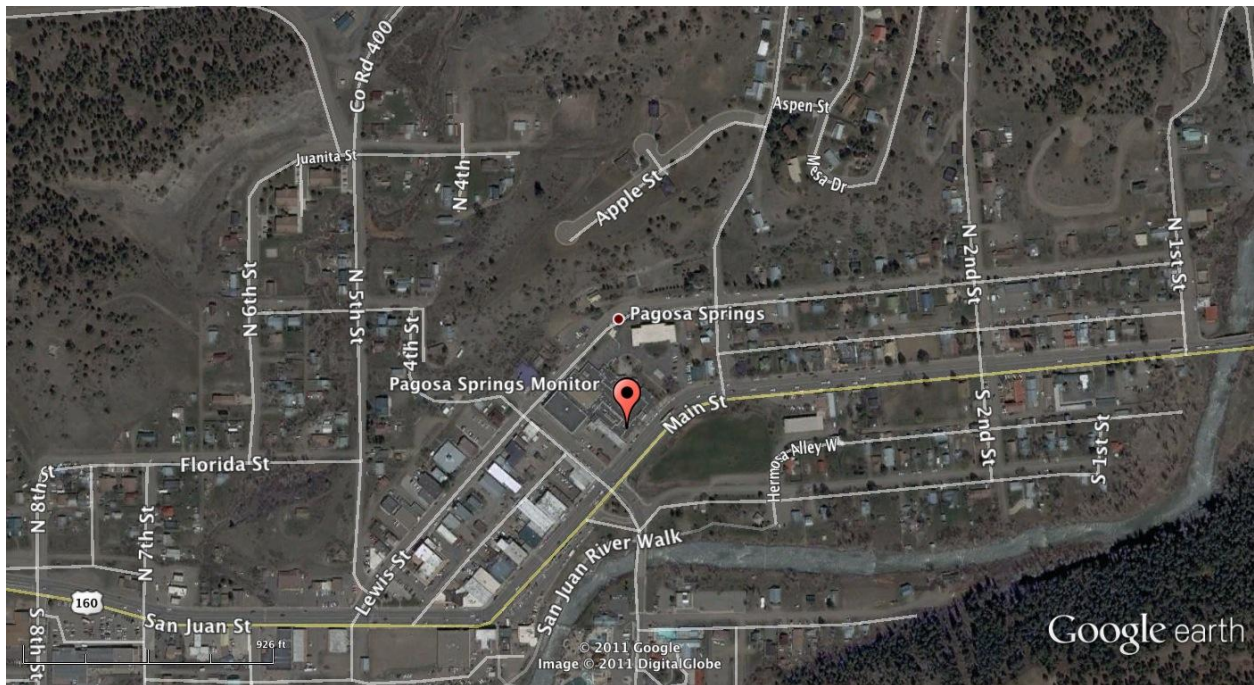
Lamar, CO PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
CO	Prowers	Lamar		8	080990001	1.7

f. Pagosa Springs, Colorado

According to EPA data, Pagosa Springs, Colorado in Archuleta County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 080070001, is shown in the map below. The monitor is located in the town of Pagosa Springs near the San Juan River.

Location of Pagosa Springs, Colorado Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 080070001 is 2.2, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that Pagosa Springs, Colorado, as well as potentially surrounding areas of Archuleta County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

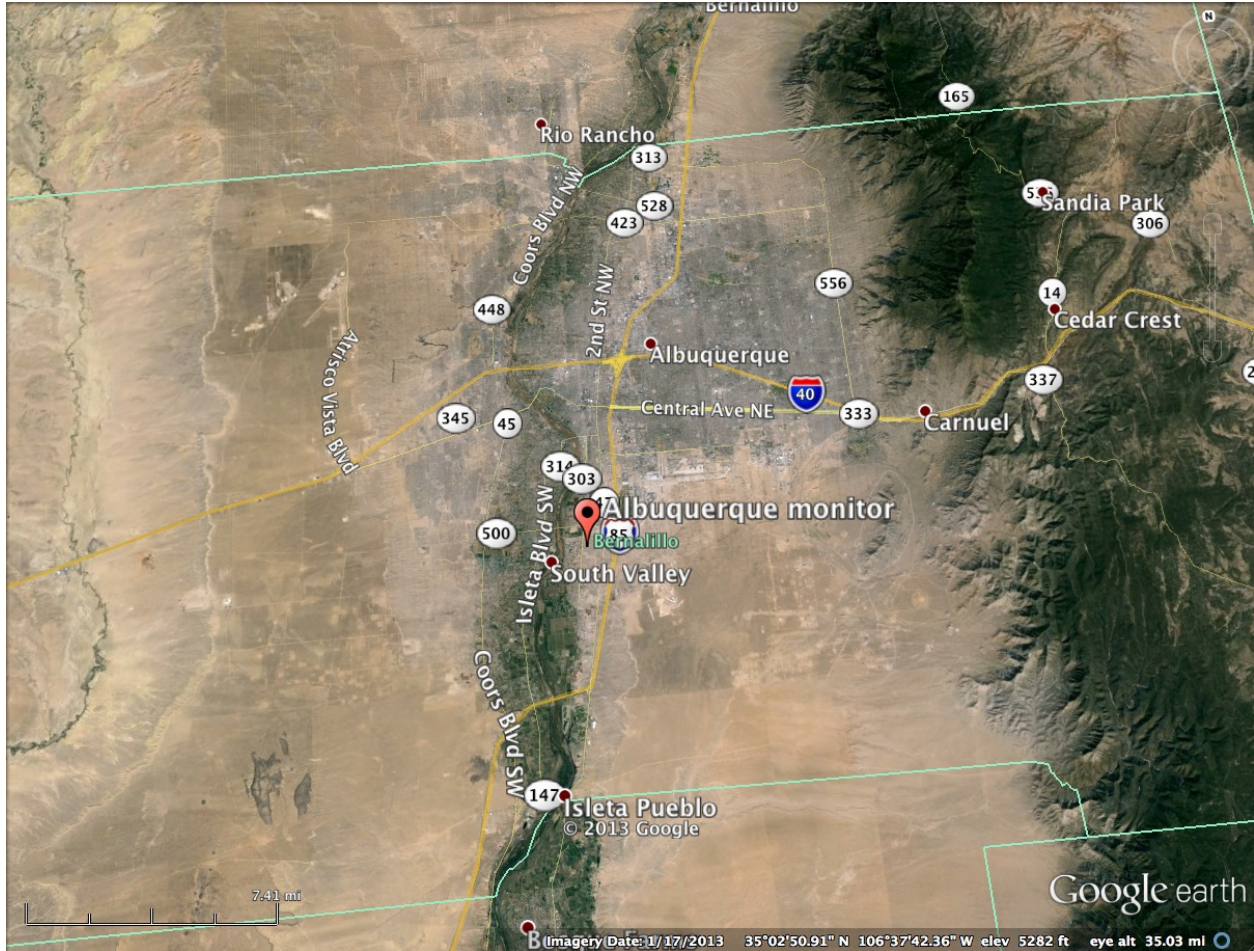
Pagosa Springs, CO PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
CO	Archuleta	Pagosa Springs		8	080070001	2.2

g. Albuquerque, New Mexico

According to EPA data, Albuquerque, New Mexico in Bernalillo County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified a 350010029, is shown in the map below. The monitor is located in southern Albuquerque.

Location of Albuquerque, New Mexico Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 350010029 is 5.7, thereby violating the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that Albuquerque, New Mexico, as well as potentially surrounding areas of Bernalillo County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

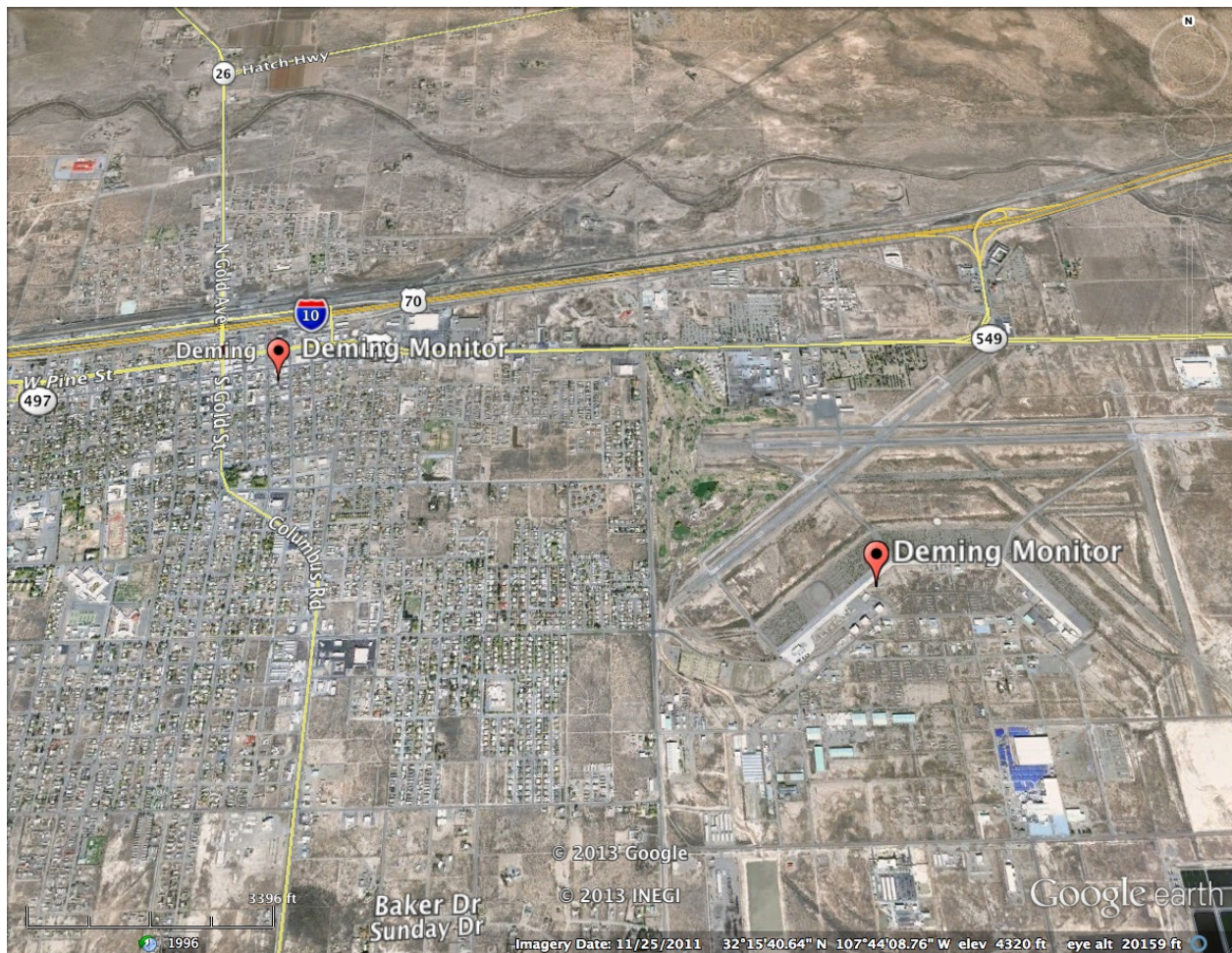
Albuquerque, NM PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Bernalillo	Albuquerque	Albuquerque	6	350010029	5.7

h. Deming, New Mexico

According to EPA data, Deming, New Mexico in Luna County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data from two sites. The location of the monitors, which are identified as 350290001 and 350290003, are shown in the map below. One is located in Deming and the other to the southeast of Deming.

Location of Deming, New Mexico Monitors



This data shows that the three-year average of the number of exceedances at monitoring site 350290003 is 6.7 and 2.3 at monitoring site 350290001, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Deming, New Mexico, as well as

potentially surrounding areas of Luna County, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

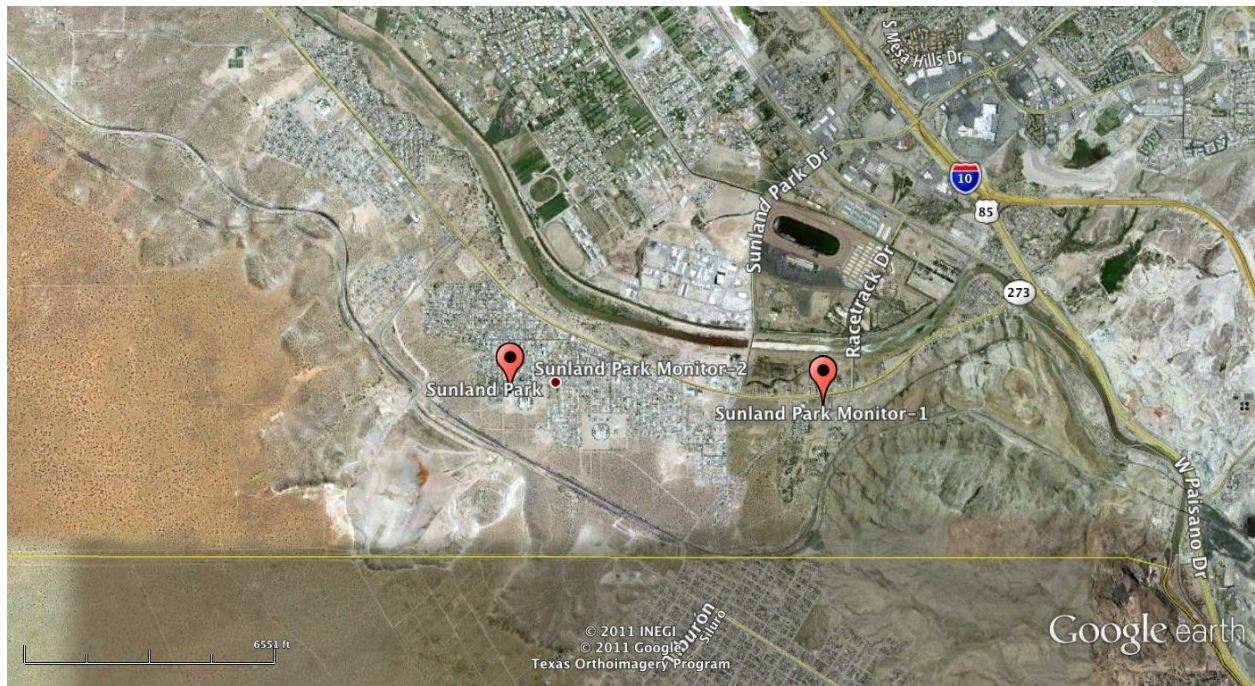
Deming, NM PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Luna	Deming	Deming	6	350290001	2.3
NM	Luna	Deming	Deming	6	350290003	6.7

i. Sunland Park, New Mexico

According to EPA data, Sunland Park, New Mexico, which is a part of the Las Cruces community-based statistical area and located in Doña Ana County, is in violation of the PM₁₀ NAAQS at two monitoring sites based on 2010-2012 monitoring data. The location of these monitors, which are identified as 350130017 and 350130021, are shown in the map below.

Location of Sunland Park, New Mexico Monitors



This data shows that the three-year average of the number of exceedances at monitoring site 350130017 is 13.1 and 7.1 at site 350130021, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Sunland Park, New Mexico, as well as potentially surrounding areas of Doña Ana County and/or all of the Las Cruces community-based statistical area, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

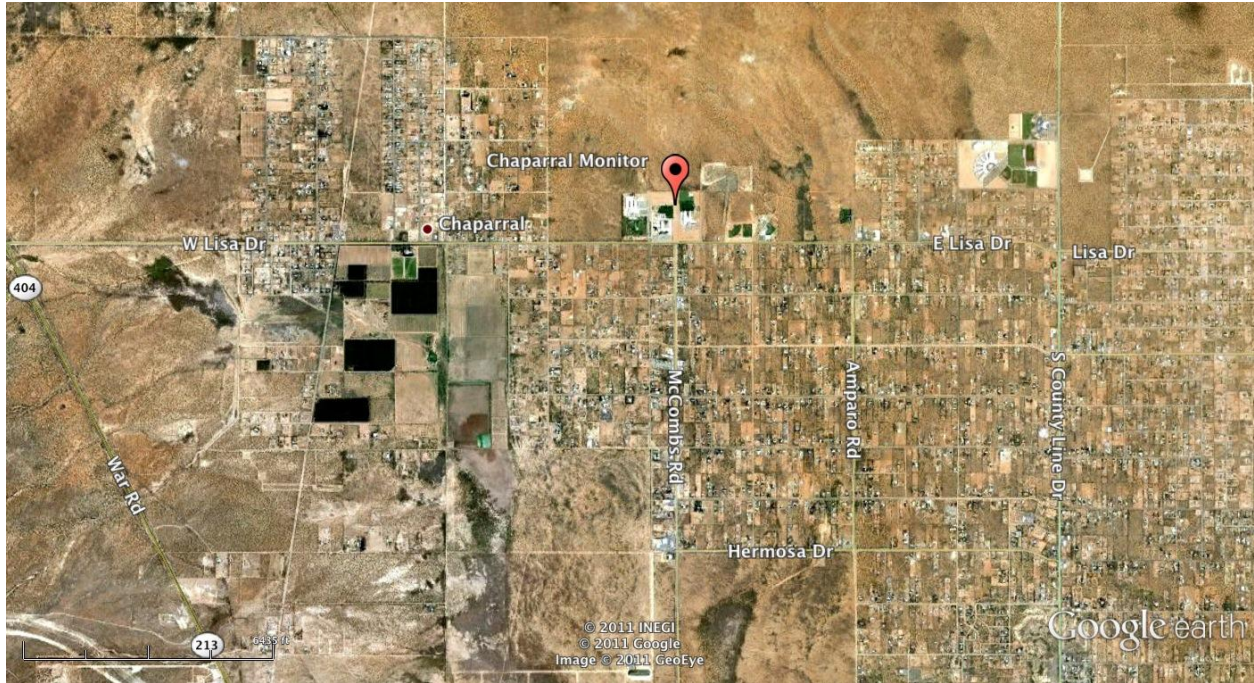
Sunland Park, NM PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Doña Ana	Sunland Park	Las Cruces	6	350130017	13.1
NM	Doña Ana	Sunland Park	Las Cruces	6	350130021	7.1

j. Chaparral, New Mexico

According to EPA data, Chaparral, New Mexico, which is a part of the Las Cruces community-based statistical area and located in Doña Ana County, is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 350130020, is shown in the map below.

Location of Chaparral, New Mexico Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 350130020 is 9.5, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Chaparral, New Mexico, as well as potentially surrounding areas of Doña Ana County and/or all of the Las Cruces community-based statistical area, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

Chaparral, NM PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Doña Ana	Chaparral	Las Cruces	6	350130020	9.5

k. Las Cruces, New Mexico

According to EPA data, Las Cruces, New Mexico, which is a part of the Las Cruces community-based statistical area and is located in Doña Ana County, is in violation of the PM₁₀

NAAQS at two monitoring sites based on 2010-2012 monitoring data. The location of these monitors, which are identified as 350130019 and 350130024, are shown in the map below.

Location of Las Cruces, New Mexico Monitors



This data shows that the three-year average of the number of exceedances at monitoring site 350130019 is 6.9 and 3.7 at site 350130024, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Las Cruces, New Mexico, as well as potentially surrounding areas of Doña Ana County and/or all of the Las Cruces community-based statistical area, must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

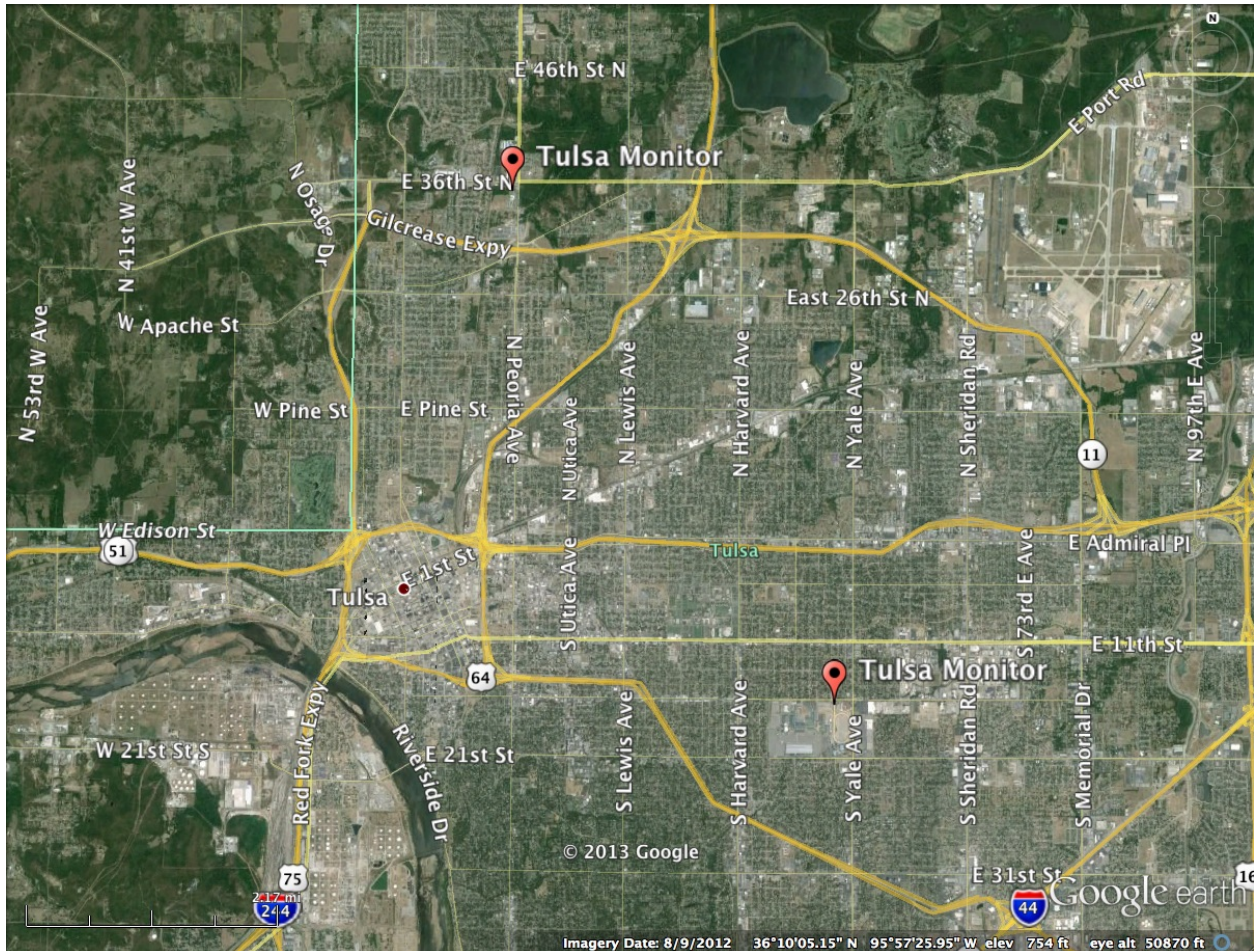
Las Cruces, NM PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Doña Ana	Las Cruces	Las Cruces	6	350130019	6.9
NM	Doña Ana	Las Cruces	Las Cruces	6	350130024	3.7

I. Tulsa, Oklahoma

According to EPA data, Tulsa, Oklahoma in Tulsa County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of these monitors, which are identified as 401430110 and 401431127, are shown in the map below.

Location of Tulsa, Oklahoma Monitors



This data shows that the three-year average of the number of exceedances at monitoring site 401430110 is 2.2 and 1.4 at site 401431127, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that Tulsa, Oklahoma must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

Tulsa, OK PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
OK	Tulsa	Tulsa	Tulsa	6	401430110	2.2
OK	Tulsa	Tulsa	Tulsa	6	401431127	1.4

m. Laramie, Wyoming

According to EPA data, Laramie, Wyoming in Albany County is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 560010800, is shown in the map below. The monitor is located near a cement plant in Laramie.

Location of Laramie, Wyoming Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 560010800 is 1.4, thereby violating the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that Laramie, Wyoming, as well as potentially surrounding portions of Albany County, Wyoming must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

Laramie, Wyoming PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
WY	Albany	Laramie	Laramie	8	560010800	1.4

n. Campbell County, Wyoming

According to EPA data, Campbell County, Wyoming is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 560050869, is shown in the map below. The monitor is located near the North Antelope Rochelle coal strip mine in southern Campbell County.

Location of Campbell County, Wyoming Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 560050869 is 1.9, thereby violating the 24-hour PM₁₀ NAAQS. *See table below.* This data demonstrates that all or portions of Campbell County, Wyoming must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

Campbell County, Wyoming PM₁₀ Information

State	County	City/ Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
WY	Campbell		Gillette	8	560050869	1.9

o. Lincoln County, Wyoming

According to EPA data, Lincoln County, Wyoming is in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 560230820, is shown in the map below. The monitor is located near the Naughton coal-fired power plant and coal mine.

Location of Lincoln County, Wyoming Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 560230820 is 2.0, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that all or portions of Lincoln County, Wyoming must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

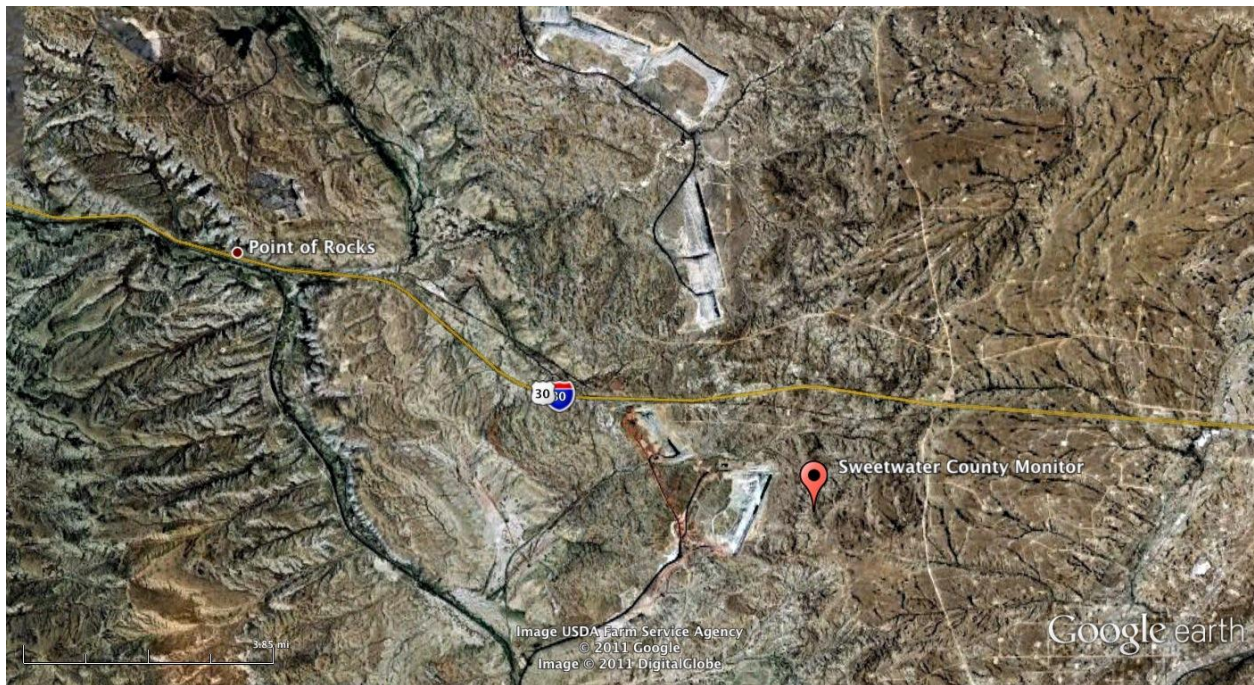
Campbell County, Wyoming PM₁₀ Information

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
WY	Lincoln			8	560230820	2.0

p. Sweetwater County, Wyoming

According to EPA data, a portion of Sweetwater County, Wyoming in violation of the PM₁₀ NAAQS based on 2010-2012 monitoring data. The location of this monitor, which is identified as 560370868, is shown in the map below. The monitor is located near the Black Butte coal strip mine in Sweetwater County.

Location of Sweetwater County, Wyoming Monitor



This data shows that the three-year average of the number of exceedances at monitoring site 560370868 is 1.8, thereby violating the 24-hour PM₁₀ NAAQS. See table below. This data

demonstrates that all or a portion of Sweetwater County, Wyoming must be designated nonattainment for the 24-hour PM₁₀ NAAQS.

Sweetwater County, Wyoming PM₁₀ Information

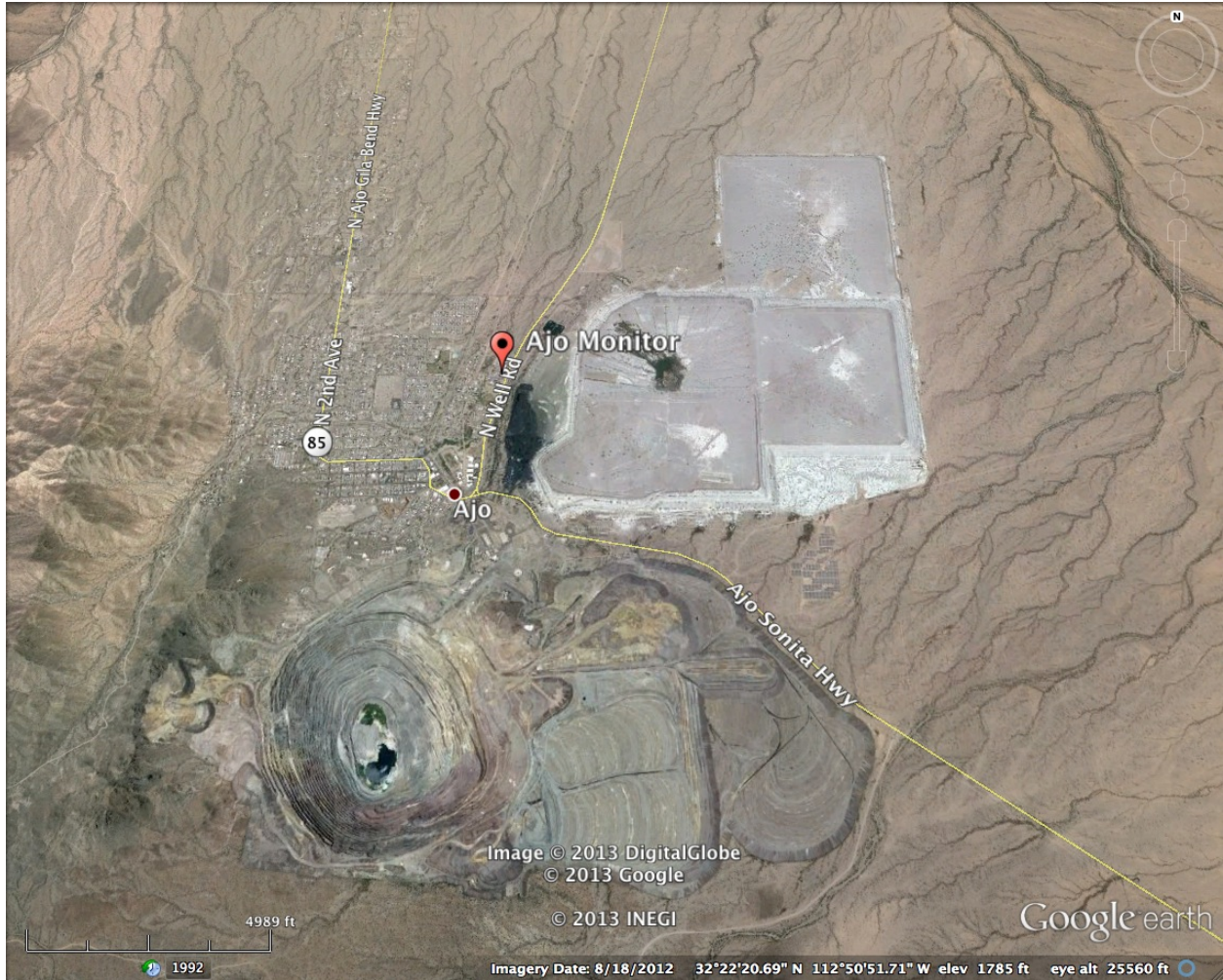
State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
WY	Sweetwater		Rock Springs	8	560370868	1.8

2. Reclassification from Moderate to Serious

a. Ajo, Arizona

“The Ajo Moderate PM₁₀ nonattainment area is located in western Pima County in southern Arizona.” *See* 71 Fed. Reg. 6352, 6353 (Feb. 8, 2006). The 47 square mile area was designated as a Moderate PM₁₀ nonattainment area in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.303. Although in February of 2006, the EPA found that the Ajo area had attained the PM₁₀ NAAQS by December 31, 1994, monitoring data indicates this nonattainment area has since then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area. The location of the Ajo monitor, which is identified as 040190001, is shown in the map below. Is near an open-pit copper mine.

Location of Ajo, Arizona Monitor



The PM₁₀ violations in Ajo are not anomalous. This area has been violating the NAAQS since 2009. Monitoring data for site 040190001 shows that the Ajo, Arizona nonattainment area has violated the PM₁₀ NAAQS every year since at least 2009. *See table below.*

Ajo, AZ PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
2009-2011	1.4
2010-2012	1.4

This data shows that the most recent three-year average of the number of exceedances at monitoring site 040190001 is 1.4, thereby continuing to violate the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that the Ajo Moderate nonattainment area must be reclassified as Serious.

Ajo, AZ PM₁₀ Information, 2010-2012

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
AZ	Pima	Ajo	Tucson	9	040190001	1.4

b. Nogales, Arizona

The Nogales Moderate PM₁₀ nonattainment area “covers approximately 70 square miles along the border of Mexico within Santa Cruz County[, Arizona].” *See* 76 Fed. Reg. 1532 (Jan. 11, 2011). The area was designated as a Moderate PM₁₀ nonattainment area in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.303. Although in January of 2011, the EPA found that the Nogales area had attained the PM₁₀ NAAQS by December 31, 1994, monitoring data indicates this nonattainment area has since then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area. The location of the Nogales monitor, which is identified as 040230004, is shown in the map below.

Location of Nogales, Arizona Monitor



The PM₁₀ violations in Nogales are not anomalous. In fact, this area consistently violates the NAAQS. Monitoring data for site 040230004 shows that the Nogales, Arizona nonattainment area has violated the PM₁₀ NAAQS every year since at least 1999, with the number of exceedances exceeding 30 for the three-year period 2005-2007. See table below.

Nogales, AZ PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
1999-2001	7.5
2000-2002	4.4
2001-2003	8.4
2002-2004	6.1
2003-2005	10.1
2004-2006	25.9
2005-2007	30.5
2006-2008	25.1
2007-2009	9.7
2008-2010	7.9
2009-2011	4.2
2010-2012	3.8

This data shows that the most recent three-year average of the number of exceedances at monitoring site 040230004 is 3.8, thereby continuing to violate the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that the Nogales Moderate nonattainment area must be reclassified as Serious.

Nogales, AZ PM₁₀ Information, 2010-2012

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
AZ	Santa Cruz	Nogales	Nogales	9	040230004	3.8

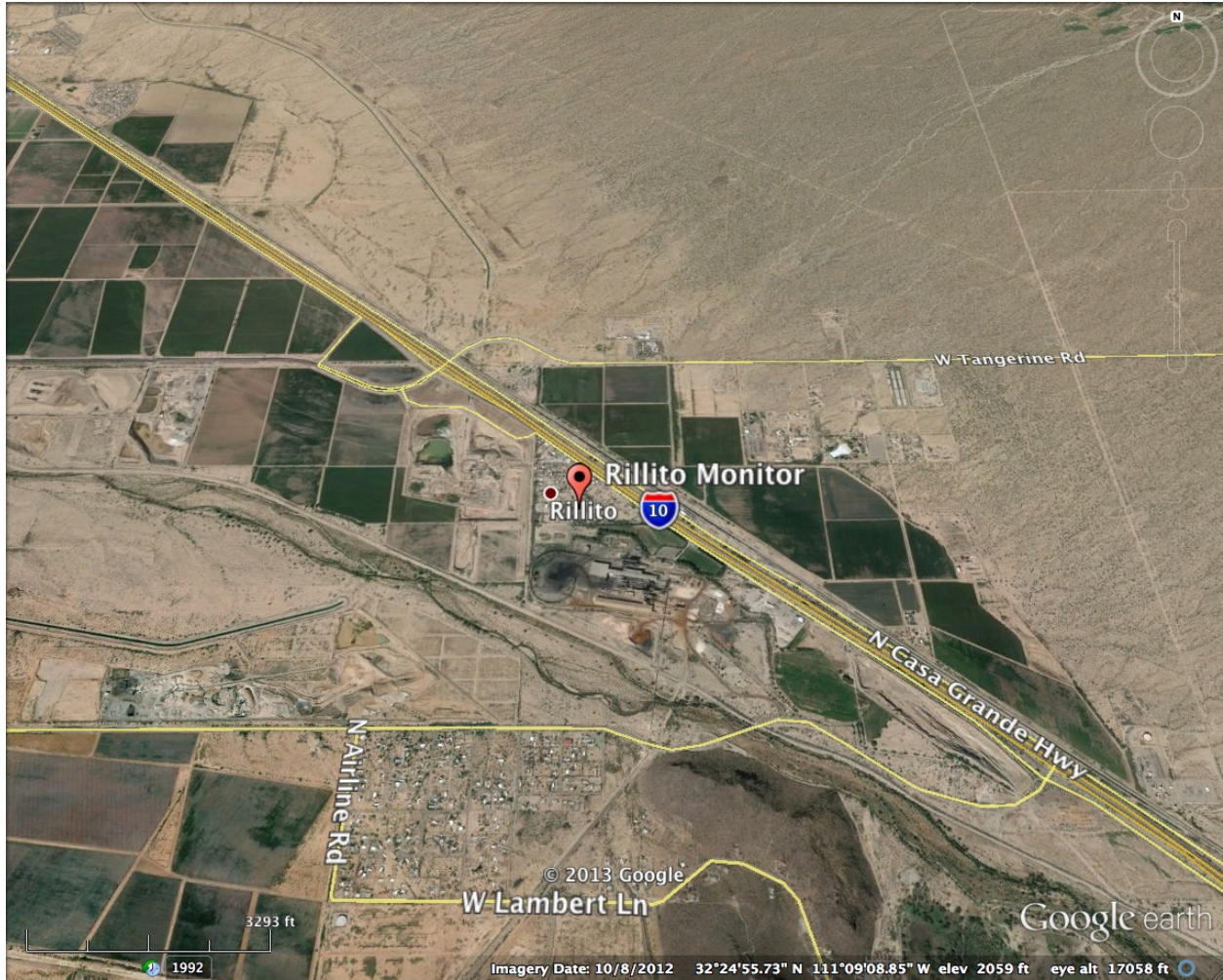
c. Rillito, Arizona

“The Rillito Moderate PM₁₀ nonattainment area is located in north central Pima County, just northwest of the Tucson metropolitan area in southern Arizona.” *See* 71 Fed. Reg. 44920, 44921 (Aug. 8, 2006). The area was designated as a Moderate PM₁₀ nonattainment area in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.303.

Although in August of 2006, the EPA found that the Rillito area had attained the PM₁₀ NAAQS by December 31, 1994, monitoring data indicates this nonattainment area has since then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area.

The location of the Rillito monitor, which is identified as 040190020, is shown in the map below.

Location of Rillito, Arizona Monitor



The PM₁₀ violations in Rillito are not anomalous. In fact, this area has regularly violated the NAAQS over the years. Monitoring data for site 040190020 shows that the nonattainment area has violated the PM₁₀ NAAQS virtually every year since 2005. *See* table below.

Rillito, AZ PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
2005-2007	2.0
2006-2008	2.0
2007-2009	2.0
2008-2010	0.7
2009-2011	2.0
2010-2012	2.7

This data shows that the most recent three-year average of the number of exceedances at monitoring site 040190020 is 2.7, thereby continuing to violate the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that the Rillito Moderate nonattainment area must be reclassified as Serious.

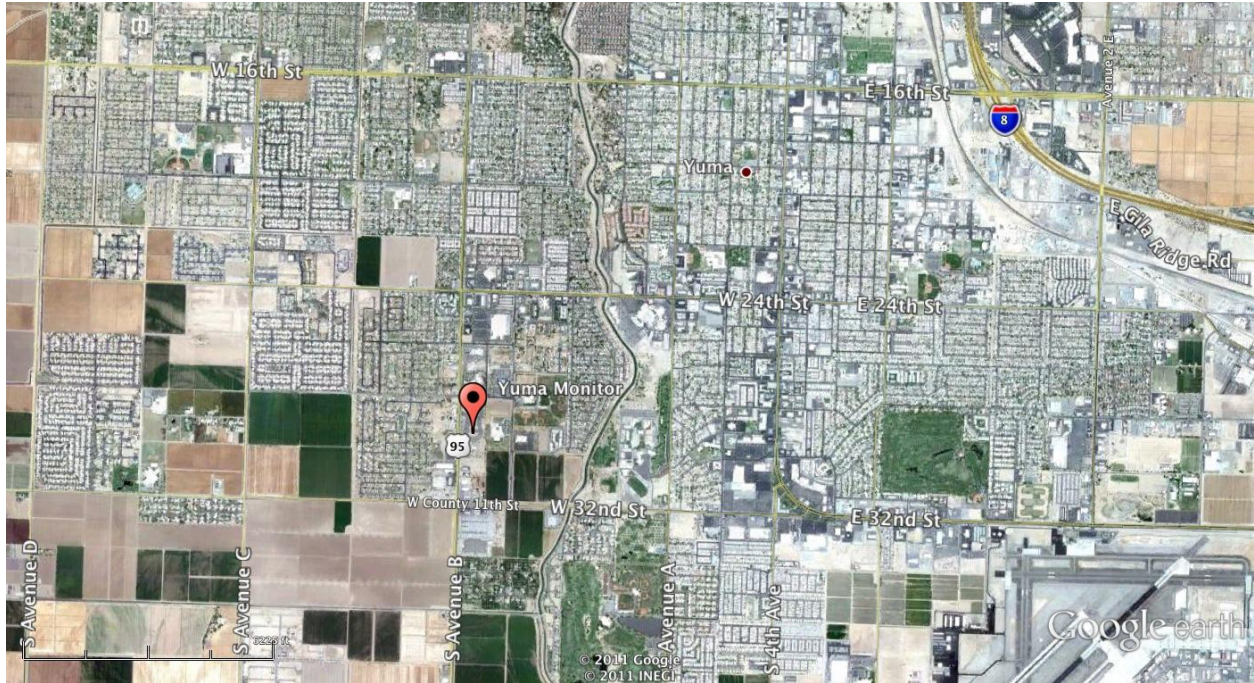
Rillito, AZ PM₁₀ Information, 2010-2012

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
AZ	Pima	Rillito	Tucson	9	040190020	2.7

d. Yuma, Arizona

The Yuma Moderate PM₁₀ nonattainment area “consists of 456 square miles, which is roughly eight percent of the land area of Yuma County[, Arizona.]” *See* 71 Fed. Reg. 13022 (March 14, 2006). The area was designated as a Moderate PM₁₀ nonattainment area in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.303. Although in March of 2006, the EPA found that the Yuma area had attained the PM₁₀ NAAQS, monitoring data indicates this nonattainment area has since then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area. The location of the Yuma monitor, which is identified as 040278011, is shown in the map below.

Location of Yuma, Arizona Monitor



The PM₁₀ violations in Yuma are not anomalous. In fact, this area has regularly violated the NAAQS over at least the last five years. Monitoring data for site 040278011 shows that the nonattainment area has violated the PM₁₀ NAAQS virtually every year since at least 2004. See table below.

Yuma, AZ PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
2004-2006	1.9
2005-2007	4.0
2006-2008	4.0
2007-2009	2.1
2008-2010	0
2009-2011	0.7
2010-2012	4.1

This data shows that the most recent three-year average of the number of exceedances at monitoring site 040278011 is 4.1, thereby continuing to violate the 24-hour PM₁₀ NAAQS. See

table below. This data demonstrates that the Yuma Moderate nonattainment area must be reclassified as Serious.

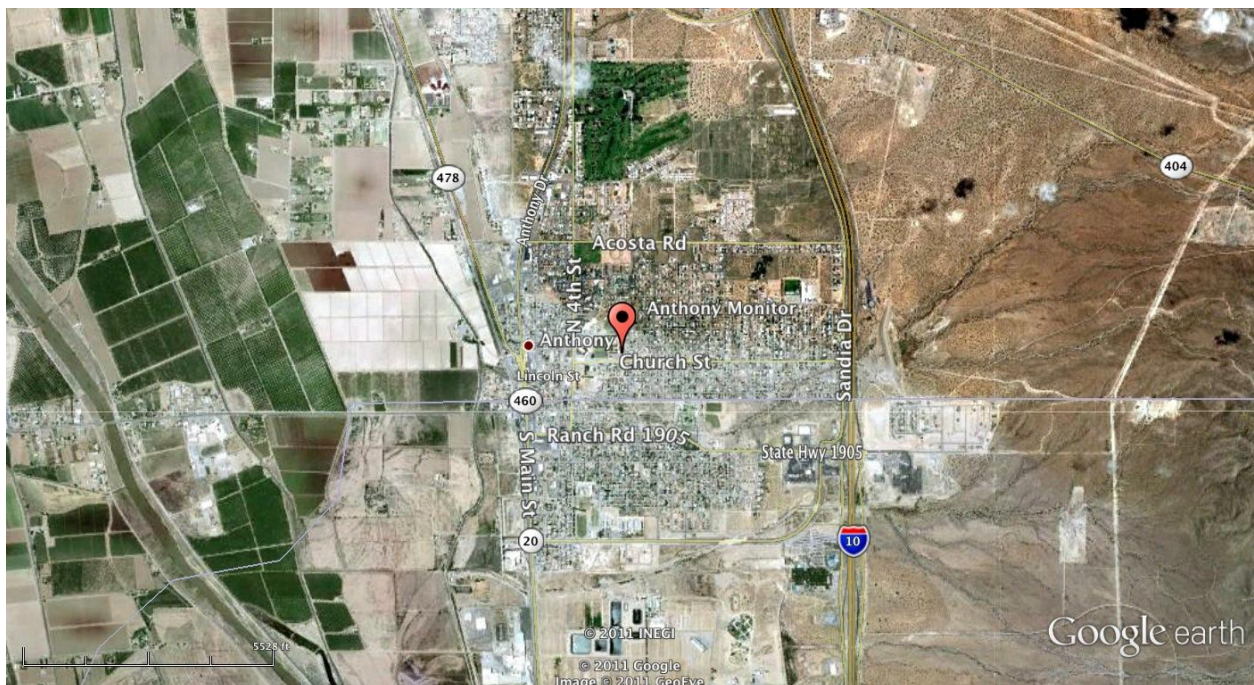
Yuma, AZ PM₁₀ Information, 2010-2012

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
AZ	Yuma	Yuma	Yuma	9	040278011	4.1

e. Anthony, New Mexico

The Anthony Moderate PM₁₀ nonattainment area was designated in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.332 (2010). Monitoring data indicates this nonattainment area has since then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area. The location of the Anthony monitor, which is identified as 350130016, is shown in the map below. It is located at an elementary school in Anthony.

Location of Anthony, New Mexico Monitor



The PM₁₀ violations in Anthony are not anomalous. In fact, this area has regularly violated the NAAQS. Monitoring data for site 350130016 shows that the nonattainment area has consistently violated the PM₁₀ NAAQS at least since 2004. *See* table below.

Anthony, NM PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
2004-2006	4.0
2005-2007	4.4
2006-2008	9.1
2007-2009	8.0
2008-2010	8.9
2009-2011	9.2
2010-2012	11.3

This data shows that the most recent three-year average of the number of exceedances at monitoring site 350130016 is 11.3, thereby continuing to violate the 24-hour PM₁₀ NAAQS. *See* table below. This data demonstrates that the Anthony Moderate nonattainment area must be reclassified as Serious.

Anthony, NM PM₁₀ Information, 2010-2012

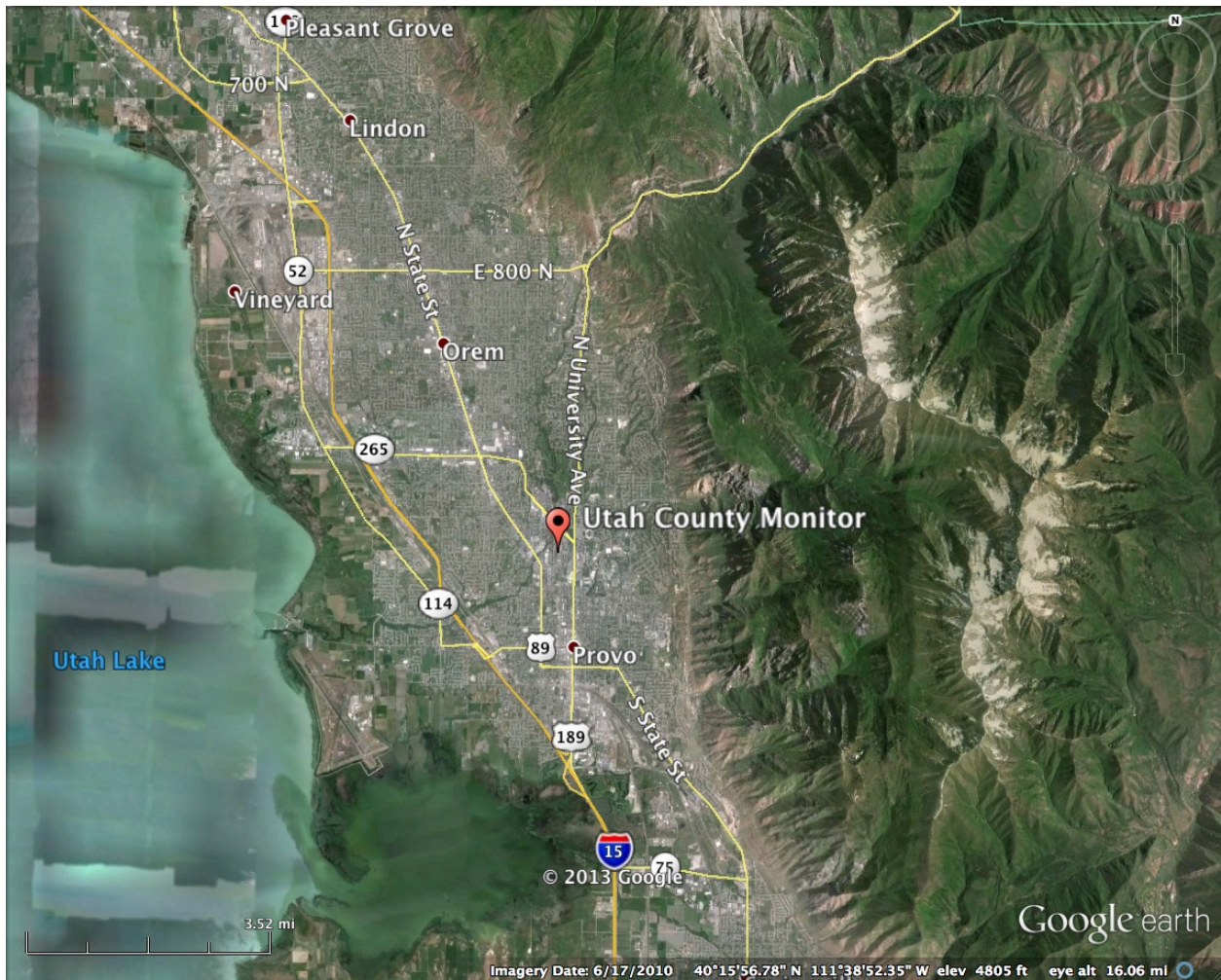
State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
NM	Doña Ana	Anthony	Las Cruces	6	350130016	8.9

f. Utah County, Utah

The Utah County Moderate PM₁₀ nonattainment area was designated in 1990 and is currently still designated a Moderate nonattainment area. *See* 40 C.F.R. § 81.345 (2010). Although in June of 2001, the EPA found that Utah County had attained the PM₁₀ NAAQS (*see* 66 Fed. Reg. 32752 (June 18, 2001)), monitoring data indicates this nonattainment area has since

then failed to attain the NAAQS and therefore should be reclassified as a Serious PM₁₀ nonattainment area. The location of the Utah County monitor, which is identified as 490490002, is shown in the map below. It is located in Provo, Utah.

Location of Utah County, Utah Monitor



The PM₁₀ violations in Utah County are not anomalous. In fact, this area has regularly violated the NAAQS. Monitoring data shows that the nonattainment area has consistently violated the PM₁₀ NAAQS at least since 2008. See table below.

Utah County, UT PM₁₀ Trends

Three-Year Period	Average Number of Annual Exceedances
2008-2010	1.2
2009-2011	1.2
2010-2012	1.2

This data shows that the most recent three-year average of the number of exceedances at monitoring site 490490002 is 1.2, thereby continuing to violate the 24-hour PM₁₀ NAAQS. See table below. This data demonstrates that the Utah County Moderate nonattainment area must be reclassified as Serious.

Utah County, UT PM₁₀ Information, 2010-2012

State	County	City/Town	CBSA	EPA Region	Monitor ID	2010-2012 Expected Number of Exceedances
UT	Utah	Provo	Provo-Orem	8	490490002	1.2

3. Call for SIP Revisions

In addition to making the aforementioned redesignations and reclassifications, EPA must require States to revise their SIPs on the basis that they are substantially inadequate to attain and maintain the NAAQS. Section 110(k)(5) of the Clean Air Act explicitly states:

Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard...the Administrator shall require the State to revise the plan as necessary to correct for such inadequacies.

42 U.S.C. § 7410(k)(5). In this case, monitoring data clearly shows that SIPs for Arizona, Colorado, Idaho, New Mexico, Oklahoma, Utah, and Wyoming are failing to attain and maintain the PM₁₀ NAAQS in accordance with Section 110 of the Clean Air Act. Data from 2010-2012

shows that the areas identified in this petition within these States are in violation of the PM₁₀ NAAQS. The table below lists those areas.

Areas Violating PM₁₀ NAAQS by State

State	Area
Arizona	Ajo, Rillito, Nogales, Yuma
Colorado	Alamosa, Durango, Grand Junction, Lamar, Pagosa Springs
New Mexico	Albuquerque, Anthony, Deming, Sunland Park, Chaparral, Las Cruces
Wyoming	Campbell County, Laramie, Lincoln County, Sweetwater County
Oklahoma	Tulsa
Utah	Utah County

The need to make a finding of substantial inadequacy for the aforementioned states' SIPs is underscored by data gathered so far in 2013. Although monitoring for the current year is not complete, data available so far through the EPA's AirData website illustrates that a number of the monitoring sites identified in this petition are continuing to exceed the PM₁₀ NAAQS. See Table below.

**Number of PM₁₀ Exceedances so far in 2013 at
Monitoring Sites Identified in this Petition**

Monitor	Location	# Exceedances in 2013 (to date)
040190001	Ajo, AZ	1
040190020	Rillito, AZ	3
040278011	Yuma, AZ	2
040230004	Nogales, AZ	2
080030001	Alamosa, CO	4
080030003	Alamosa, CO	3
080670004	Durango, CO	1
080990002	Lamar, CO	6
350130016	Anthony, NM	14
350130017	Sunland Park, NM	13
350010029	Albuquerque, NM	1
350290003	Deming, NM	9
350130019	Las Cruces, NM	9
350130020	Chaparral, NM	10
560370868	Sweetwater County, WY	1

Even if monitoring data for the areas identified in this petition ultimately shows attainment with the NAAQS, the EPA is obligated at the very least to find that the SIPs in question are failing to maintain the PM₁₀ NAAQS. The EPA has found in similar situations that where violations of the NAAQS have occurred in the recent past, it is appropriate to find that a SIP is substantially inadequate to maintain the NAAQS. For instance, the EPA recently found that the Iowa SIP was substantially inadequate to maintain the 2006 24-hour PM_{2.5} NAAQS, which limits concentrations to no more than 35 micrograms/cubic meter, on the basis that monitors in the Muscatine area showed past violations. *See* 76 Fed. Reg. 41424 (July 14, 2011).

The EPA stated:

The Muscatine area is currently designated as attainment of the 2006 24-hour PM_{2.5} standard, however, EPA finds that the SIP [is] substantially inadequate to maintain the 2006 24-hour NAAQS for PM_{2.5}, due to the monitor in the Muscatine area (Garfield School) recording data violating the standard (considering 2007-2009 monitoring data). In this instance, the CAA [Clean Air Act] requirements relating to nonattainment areas are not expressly applicable. Therefore, consistent with the general SIP requirements in section 110 of the CAA, and as discussed in the February 2, 2011, proposed SIP Call (76 FR 9706), EPA is requiring a SIP revision which includes adopted measures to achieve reductions necessary to attain and maintain the NAAQS, as well as contingency measures, as described below.

76 Fed. Reg. 41424, 41426 (July 24, 2011). Thus, although clearly the EPA is warranted in finding that the SIPs in question are substantially inadequate to attain the PM₁₀ NAAQS, at the least a finding that the SIPs are substantially inadequate to maintain the NAAQS is still warranted given the violations identified in this petition.

In calling for the revision of the aforementioned SIPs, we request the EPA at a minimum require States to meet the applicable requirements under Section 189 of the Clean Air Act, which sets forth provisions and schedules for Moderate and Serious PM₁₀ nonattainment areas. *See* 42 U.S.C. § 7513a. We also request the EPA require States to meet other requirements as may be necessary to ensure attainment and maintenance of the PM₁₀ NAAQS.

Furthermore, we request the EPA require submission of a revised SIP by the States as expeditiously as practicable, but not later than one year, or 12 months, after making the finding of substantial inadequacy. Pursuant to Section 110(k)(5) of the Clean Air Act, after making such a finding, the EPA must require submission of revised SIPs within 18 months. In light of the real dangers to public health posed by excessive PM₁₀ air pollution, it is reasonable for the EPA to require submission within one year. This is further consistent with Section 189 of the Clean Air Act, which requires that SIPs for Moderate PM₁₀ nonattainment areas be submitted within 12 months and that SIPs for PM₁₀ nonattainment areas that are reclassified from Moderate to Serious be submitted within 18 months. A 12-month deadline ensures that air quality in Serious PM₁₀ nonattainment areas is expeditiously addressed and that air quality in Moderate PM₁₀ nonattainment areas is addressed consistent with the clean Air Act.

CONCLUSION

On the basis of air quality monitoring data, EPA must designate Boise, Idaho; Alamosa, Colorado; Durango, Colorado; Grand Junction, Colorado; Lamar, Colorado; Pagosa Springs, Colorado; Albuquerque, New Mexico; Deming, New Mexico; Sunland Park, New Mexico; Chaparral, New Mexico; Las Cruces, New Mexico; Tulsa, Oklahoma, Laramie, Wyoming, Campbell County, Wyoming; Lincoln County, Wyoming; Sweetwater County, Wyoming as nonattainment for the PM₁₀ NAAQS. Furthermore, on the basis of air quality monitoring data, EPA must bump up the classification of the Ajo, Arizona; Nogales, Arizona; Rillito, Arizona; Yuma, Arizona; Anthony, New Mexico; and Utah County, Utah PM₁₀ nonattainment area from Moderate to Serious.

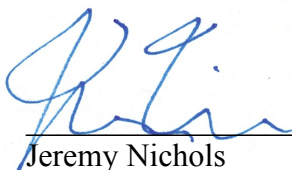
In addition to making the aforementioned area designations and/or classifications, EPA must also call for the revision of the Arizona, Colorado, Idaho, New Mexico, Oklahoma, and

Wyoming SIPs. Section 110(k)(5) of the Clean Air Act states that, “Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard...the Administrator shall require the State to revise the plan as necessary to correct for such inadequacies.” 42 U.S.C. § 7410(k)(5). Because of past, present, and in some cases ongoing violations of the PM₁₀ NAAQS, the Administrator must call for the revision SIPs as set forth in this petition.

Should the Administrator fail to respond by initiating the petitioned actions within 90 days, WildEarth Guardians will consider such delay unreasonable.

Dated this 21st day of October 2013.

Respectfully submitted,



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