

**Final Notice: Findings of Failure to Submit a Complete State Implementation Plan for  
Section 110(a) Pertaining to the 2008 Lead NAAQS**

**FACT SHEET**

**ACTION**

- On February 15, 2013, the U.S. Environmental Protection Agency (EPA) notified seven states that they have not submitted complete State Implementation Plans (SIPs) that include the infrastructure elements necessary to ensure implementation of the 2008 lead (Pb) national ambient air quality standards (NAAQS). Infrastructure elements are the building blocks for state air quality management programs.
- Today's action is a finding, required by the Clean Air Act (CAA), that each of these areas has not made a complete submission for all or for some of the specific infrastructure SIP elements for the 2008 lead NAAQS. The Clean Air Act requires states to submit infrastructure SIPs within 3 years of EPA issuing the standard. The deadline for these SIPs was October 15, 2011.
- Forty-three states submitted complete infrastructure SIPs.
- Of the seven states in this finding, three states are only incomplete because of prevention of significant deterioration (PSD) related elements for which a Federal Implementation Plan (FIP) is already in place.
- Only four states failed to submit any infrastructure SIPs.
- The EPA is committed to working with these states and areas to expedite the submissions and to review and act on their infrastructure SIPs submission in accordance with the requirement of the CAA.
- The list below shows the four states that failed to submit make a submittal to address any infrastructure SIP elements for the 2008 lead NAAQS.

**List of Findings of Failure to Submit Any Infrastructure SIP for 2008 lead NAAQS**

Region 1: Vermont

Region 2: New Jersey

Region 10: Oregon and Washington

- These findings establish a 24-month deadline by which, for each state subject to a finding, the EPA must either approve a SIP or finalize a FIP that addresses the outstanding SIP elements.

- The list below shows the states that failed to submit certain elements of the infrastructure SIP for the 2008 lead NAAQS, resulting in a finding of failure to submit for only the specified elements. Each of these states made a submittal that was complete, except as to PSD-related elements.

### **List of Findings of Failure to Submit Prevention of Significant Deterioration Elements of the Section 110(a) Infrastructure SIP for the 2008 lead NAAQS**

- The following states are incomplete because of prevention of significant deterioration related elements for which a Federal Implementation Plan (FIP) is already in place. Therefore, this action will not trigger any additional FIP obligations with respect to these states.

Region 1: Massachusetts

Region 5: Illinois

Region 9: Hawaii

### **BACKGROUND**

- On October 15, 2008, the EPA promulgated revised NAAQS for lead. The Agency revised the level of the primary lead standard from 1.5 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) to  $0.15\mu\text{g}/\text{m}^3$ . The EPA also revised the secondary NAAQS to  $0.15\mu\text{g}/\text{m}^3$  and made it identical to the revised primary standard.
- Each state was required to submit an infrastructure SIP that provides for the implementation, maintenance and enforcement of the revised NAAQS by October 15, 2011.
- On September 24, 2012, the Center for Biological Diversity and the Center for Environmental Health sued EPA for failing to perform certain mandatory duties under the Clean Air Act, including a failure to find that 12 states had failed to submit infrastructure SIPs for the 2008 Pb NAAQS.
- In response to the lawsuit, the EPA is taking this action for specified states that have failed to submit a complete infrastructure SIP for the 2008 lead NAAQS.
- Because five states named in the lawsuit submitted complete infrastructure SIPs before February 15, 2013, there are seven states receiving a finding of failure to submit.
- As a result of the recent decision by the D.C. Circuit Court of Appeals in the *EME Homer City*, EPA is not issuing any finding of failure to submit interstate transport SIPs. However, due to the physical properties of Pb, a source in one state will generally not contribute significantly to nonattainment in, or interfere with maintenance by, another state.

### **FOR MORE INFORMATION**

- To download this action from the EPA's website, go to Lead Infrastructure SIPs <http://www.epa.gov/airquality/lead/kitinfrastructure.html> or Lead Regulations and Guidance and <http://www.epa.gov/air/lead/kitrules.html>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located at the EPA Headquarters, room number 3334 in the EPA West Building, 1301 Constitution Avenue, NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this proposed action can be accessed using Docket ID No. EPA-HQ-OAR-2012-0983.
- For further information about this action, contact Ms. Mia South of EPA's Office of Air Quality Planning and Standards, at (919) 541-5550 or by e-mail at [south.mia@epa.gov](mailto:south.mia@epa.gov), or Mr. Larry Wallace of EPA's Office of Air Quality Planning and Standards, at (919) 541-0906 or by e-mail at [wallace.larry@epa.gov](mailto:wallace.larry@epa.gov).