UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 25 2007

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

MEMORANDUM

Subject: Reflecting the Revised $PM_{2.5}$ National Ambient Air Quality Standard in NEPA Evaluations

From: Anne Norton Miller
Director
Office of Federal Activities

To: Regional NEPA and 309 Coordinators

On October 17, 2006, EPA issued a final rule lowering the National Ambient Air Quality Standard (NAAQS) for $PM_{2.5}$, which became effective on December 18, 2006 (71 FR 61144). Specifically, the 24-hour standard for $PM_{2.5}$ was lowered to 35 $\mu g/m^3$ from the previous standard of 65 $\mu g/m^3$. Since that time, we have received some inquiries (both internal and from other federal agencies) asking about how this revised NAAQS should be reflected in NEPA evaluations for proposed actions. Accordingly, I am circulating this memorandum outlining OFA's position on this matter.

The revised $PM_{2.5}$ daily NAAQS was promulgated to better protect the public from short-term fine particle exposure. Because public health impacts are among those considered in NEPA analyses, the revised 35 $\mu g/m^3$ daily $PM_{2.5}$ NAAQS, in addition to the 15.0 $\mu g/m^3$ annual $PM_{2.5}$ NAAQS, should be used as the threshold for NEPA evaluations and determinations. In this regard, the revised NAAQS for $PM_{2.5}$ should be used to help determine the significance of a proposed action's air quality impacts pursuant to 40 CFR 1508.27(b)(2) and (10), as well as when considering the need for and extent of mitigation, for all proposed actions for which NEPA decision documents (FONSI or ROD) have not yet been issued.

For proposed actions that have already completed the NEPA process, but have not yet been implemented, we recommend you consider the revised $PM_{2.5}$ NAAQS to assess whether supplementation would be appropriate.

For conformity evaluations, the revised $PM_{2.5}$ standard of 35 μg/m3 does not apply until one year after the effective date of nonattainment designations that consider that standard (Clean Air Act section 176(c)(6) and 40 CFR 93.102(d)). However, conformity evaluations must be completed for current nonattainment and maintenance areas designated under the previous standard (Clean Air Act section 176(c)(5)).

Should you have any questions regarding this issue, please feel free to contact Bob Hargrove, Director, NEPA Compliance Division, at (202) 564-7157.