



January 19, 2011

Mr. Karl Brooks
Regional Administrator
U.S. Environmental Protection Agency, Region 7
901 North 5th Street
Kansas City, KS 66101

Dear Mr. Brooks:

On Jan. 22, 2010, the U.S. Environmental Protection Agency (EPA) revised the primary National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO₂) by establishing a new 1-hour standard at a level of 100 parts per billion (ppb).¹ The new 1-hour standard supplements the existing annual NO₂ standard.

Section 107(d) of the Clean Air Act requires States to make designation recommendations to EPA not later than one year after promulgation of a new or revised NAAQS, with designation options of attainment, nonattainment or unclassifiable. This letter is to fulfill this obligation of Kansas regarding the 1-hour NO₂ NAAQS.

The rule establishing the 1-hour NO₂ NAAQS also requires near-roadway monitoring at locations where maximum concentrations are expected to occur. However, there are no near-road monitors measuring NO₂ concentrations in Kansas at this time. Due to similar situations in other States, EPA has stated their intention to initially designate all areas not showing violations of the 1-hour standard as unclassifiable.

There are four sites in Kansas which monitor the concentration of NO₂ in the ambient air.

Site Name	County	1-hour NO ₂ value ² (ppb)
Mine Creek	Linn	13
Peck	Sumner	25
Wichita Health Department	Sedgwick	42
JFK Recreation Center	Wyandotte	53

As none of these sites are in violation of the 1-hour NO₂ standard of 100 ppb, and since there are no near-road NO₂ monitors in Kansas at this time, it is my recommendation that all 105 counties of the State of Kansas be designated as unclassifiable at this time. This designation recommendation does not include any Indian Country within Kansas.³

¹ The form of the standard is the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.

² These values represent the NO₂ design value for 2007-2009, which is the most recent 3-year period of quality-assured monitoring data.

³ Indian Country within Kansas includes the Prairie Band of the Potawatomi Indian Reservation, the Kickapoo Nation Indian Reservation, the Sac and Fox Tribe Indian Reservation, and the Iowa Tribe Indian Reservation.

Thank you for the opportunity to provide this recommendation. If you have any questions about this letter or need further information, please contact Rick Brunetti at (785) 296-1551.

Sincerely,

A handwritten signature in black ink that reads "Robert Moser". The signature is written in a cursive style with a large, looped "M" at the end.

Robert Moser, MD
Acting Secretary

cc: John W. Mitchell – Director, Division of Environment, KDHE
Rick Brunetti – Director, Bureau of Air, KDHE