



## Office of the County Attorney

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### MEMORANDUM

To: Boulder County Commissioners  
From: Olivia Lucas, Senior Assistant Boulder County Attorney  
Date: January 12, 2023  
Re: Signing on to Comments in Favor of the Environmental Protection Agency's  
Proposed Endangerment Finding Regarding Aviation Gas

The Boulder County Attorney's Office is requesting the Board of County Commissioners (the "Board") authorize the County Attorney's Office to sign on to public comments developed by the Stanford Law School's environmental law clinic on behalf of Santa Clara County and other local government entities which support the Environmental Protection Agency's ("EPA") proposed finding that leaded aviation gas ("avgas") endangers public health and welfare. EPA published the [proposed endangerment finding](#) in October 2022 (see 87 Fed. Reg. 62753), and public comment on the docket is due January 17, 2023.

Leaded avgas is primarily used by piston-engine aircraft, which are typically small aircraft that carry 2-10 passengers. These are the types of aircraft that use the airports located in Boulder County such as the Boulder Municipal Airport and the Vance Brand Municipal Airport in Longmont. According to EPA, piston-engine aircraft are the largest single source of lead emissions to the air in the U.S., and the emissions of lead from leaded avgas cause elevated levels of lead in air near airports, which in turn endanger public health. According to EPA's National Emissions Inventory, the Boulder Municipal Airport is the 312th highest lead-emitting general aviation airport in the country.

EPA's current action is the first step before it can move to regulate leaded avgas, including phasing it out (as EPA phased out leaded gasoline used in cars). As the draft comments note, many communities that are adjacent to airports and therefore those primarily exposed to lead from avgas are also otherwise environmentally and health burdened. An endangerment finding leads the way to further environmental protection for those and other communities.

Counsel for Santa Clara County approached the County Attorney's Office with draft comments supporting EPA's proposed endangerment finding. The County Attorney's Office has reviewed the comments and seeks approval to join. The draft proposed comments have been provided for the Commissioners' review. The comments support EPA's proposed endangerment finding and encourage EPA to prioritize finalizing the endangerment finding so that it is able to then take swift action to regulate leaded avgas.

Signing on to the draft comments supporting the endangerment finding for leaded avgas furthers Boulder County's policy goals of improved air quality and protecting the health of its residents. The County Attorney's Office is requesting authority to join the other local governments pursuing these goals and sign on behalf of Boulder County.