

Summary of Comments – Proposed 2015 Ozone Implementation Rule

Background

EPA proposed the rule to implement the 2015 ozone NAAQS on November 17, 2016 and invited comments from public on it. While EPA requested comments on several aspects of the rule, the most important one was the revocation of the 2008 ozone NAAQS, which would have an important bearing on the Washington region's planned 2008 ozone redesignation request and maintenance plan (RR/MP).

EPA proposed two options for revoking the above NAAQS. Under Option 1, the 2008 ozone standard would be revoked in each area one year after the effective date of the designation for the 2015 ozone standard. Under Option 2, the 2008 ozone standard would be revoked in an area only when that area is designated attainment for the 2008 standard, and no sooner than one year after the effective date of the designations for the 2015 ozone standard.

The timing of the revocation is very important as it affects when the above RR/MP needs to be submitted and approved by EPA in order to have a new set of motor vehicle emissions budgets (MVEBs) for VOC and NO_x based on the latest EPA approved mobile model (MOVES2014a) in place before the revocation. If the revocation becomes effective before the approval, the region would have to keep using the MVEBs that were developed using Mobile 6.2 model for the 1997 ozone NAAQS attainment plan in 2007.

Additionally, EPA also invited comments on other issues such as, transportation conformity, emissions inventory, thresholds for nonattainment classifications, etc.

Comments provided by AASHTO/AMPO, NACAA, MDE, and DEQ are summarized below.

AASHTO/AMPO

Revocation of 2008 ozone NAAQS

Both organizations supported the option 1 as it felt that the retention of two standards could result in unnecessarily burdensome transportation conformity determinations required for both 2008 and 2015 ozone standards at the same time. These two organizations were also in favor any modified option1 as long as it only requires transportation conformity determinations for just one ozone standard at a time.

Transportation Conformity

AASHTO/AMPO see little value in requiring transportation conformity determinations to be made for the 2015 ozone standard in newly designated marginal nonattainment areas where EPA modeling shows the area will attain the 2015 ozone standard without further actions beyond those already in place. They urged EPA to provide a streamlined process for satisfying conformity requirements in areas that are in attainment for the 2008 standard and are designated

as marginal nonattainment areas for the 2015 standard. They suggested one such possible approach where EPA could establish a process under which the Federal Highway Administration (FHWA) can make a programmatic or categorical conformity determination for areas newly designated as nonattainment areas for ozone under the 2015 standard. Such a mechanism could include appropriate safeguards, such as monitoring and reporting to ensure that the area remains on track to achieve the 2015 standard. With appropriate safeguards, this approach would allow the goals of conformity to be achieved with much lower administrative burden on State DOTs, MPOs, the FHWA, and the EPA itself.

NACAA

Revocation of 2008 ozone NAAQS

NACAA supported the option 1.

International Transport

NACAA recommended that EPA work closely with state and local air pollution control agencies to assess transport throughout all regions of the country and put in place appropriate programs to address this problem.

MDE

Revocation of 2008 ozone NAAQS

MDE supported the option 1 as it felt that the retention of two standards could result in unnecessarily complex implementation procedures.

Thresholds for Nonattainment Designation Classifications

Maryland supported a method originally proposed by Delaware that adds a correction factor to the proposed "percent above the standard" method for determining the nonattainment classification for an area. This method reduces the upper limit of the ozone concentration ranges for different nonattainment classes. For example, the ozone concentration range for a marginal area would be 70ppb-75 ppb instead the currently proposed 70ppb-80 ppb. Similarly, the suggested range for a moderate nonattainment area would be 76ppb-83 ppb instead of 81ppb-92 ppb.

Virginia DEQ

Revocation of 2008 ozone NAAQS

DEQ had concerns with both options. It did not support the option 2 as it would entail duplicative planning efforts for a nonattainment area such as, Washington region. It also did not

support the option 1, as it felt it would not allow sufficient time for the Washington region to submit a RR/MP. Therefore, DEQ recommended a modified option1. This option would allow areas operating under a Clean Data Determination to request that the specified area not have the 2008 ozone NAAQS revoked for purposes other than transportation conformity. This approach would allow states time to create and submit appropriate RR/MPs for such areas, and it would also allow EPA regional offices the full 18 months provided by the CAA to review and approve such submittals. DEQ also recommended that the revocation of the 2008 ozone NAAQS should occur simultaneously with the effective date of the redesignation of the area to attainment/maintenance.

Transportation Conformity

DEQ also supported the concept of a national programmatic conformity determination for marginal nonattainment areas suggested above by AASHTO/AMPO.

Emissions Inventories

DEQ suggested the development of a base year emissions inventory the 2015 ozone NAAQS as the NEI does not require the inclusion of all data needed for estimating emissions in ozone season tons per day, which the CAA requires for use in ozone attainment planning. DEQ also pointed to issues concerning the quantification of emissions from the oil-fired distributed generation, which may be under-represented or unrepresented in emissions inventories. These units tend to operate on the hottest days of the year when demand is high. These days are often high ozone days, and NO_x emissions from these oil-fired units may have an impact on air quality. Therefore, a more accurate quantification is essential for better air quality modeling analysis and planning.

Given the contribution of on-road mobile emissions towards the total emissions inventory, DEQ urges EPA to use particular care in evaluating this source sector both in the 2014 NEI effort as well as in any future base year effort associated with the 2015 ozone NAAQS.

Ozone Advance

DEQ recommended that EPA allow marginal ozone nonattainment areas the option of joining the “Ozone Advance” program since these areas have no attainment planning requirements under the CAA, other than base year inventory submittals. The Ozone Advance program would be an optional effort such areas could undertake to further improve air quality for the area's citizens.