

May 4, 2018

**Subject: Georgia EPD Comments on EPA's March 27, 2018 Interstate Transport Memo**

Dear Mr. Possiel and Ms. Palma:

The Georgia Environmental Protection Division (EPD) appreciates the opportunity to provide the following comments to the U.S. Environmental Protection Agency (EPA) on the memorandum entitled "Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards Under the Clean Air Act Section 110(a)(2)(D)(i)(I)" that was released on March 27, 2018. EPD has reviewed the document and has provided detailed comments below.

Georgia EPD feels that EPA's four-step framework for addressing the good neighbor provisions for the 2015 ozone NAAQS is appropriate. We feel that the information provided in this memo will help states develop state implementation plans (SIPs) that address section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA). We appreciate the inclusion of EPA's 2011/2023 air quality modeling data for ozone, the newly available contribution modeling results, and EPA's preliminary list of potential flexibilities in the analytical approaches for developing good neighbor SIPs. The next section of this letter includes comments on each of the four steps.

**STEP 1. Identify downwind air quality problems**

Only receptors with current design values above the NAAQS should be considered as downwind receptors in the transport analysis. Appendix B contains three "maintenance" monitors that are currently meeting the NAAQS based on 2014-2016 design values:

- Weld (CO), 08-123-0009, 2016 DV = 70 ppb
- Queens (NY), 36-081-0124, 2016 DV = 69 ppb
- Harris (TX), 48-201-1039, 2016 DV = 67 ppb

If New Mexico uses 1% of the NAAQS (0.7 ppb) as the significant contribution threshold, the only monitor they would be linked to would be 08-123-0009 in Weld, CO. If Mississippi uses 1% of the NAAQS (0.7 ppb) as the significant contribution threshold, the only monitor they would be linked to would be 48-201-1039 in Harris, TX. Since both these monitors are currently meeting the 2015 ozone NAAQS, it seems unreasonable to require any additional emission controls for these receptors. We recommend that only receptors with current design values above the NAAQS be

considered as future nonattainment and maintenance receptors. All receptors with current design values at or below the NAAQS should be dropped from further analysis.

**STEP 2. Identify upwind states that contribute enough to those downwind air quality problems to warrant further review and analysis**

EPA's selection of a 1% threshold value used in CSAPR and CSAPR-Update is arbitrary and has never been supported by any scientific analysis. Contributions contained in Attachment C are not based upon a particular significance threshold. In Attachment A, EPA states "Establishing a contribution threshold based on the variability in ozone design values that leverage some of the analysis and statistical data created to support the development of the Significant Impact Level for ozone" could be considered. EPA's April 17, 2018 memorandum entitled "Guidance on Significant Impact Levels for Ozone and Fine Particles in the PSD Permitting Program" recommends an ozone Significant Impact Level (SIL) value of 1.0 ppb based on an air quality variability analysis and the 4<sup>th</sup> highest daily maximum 8-hour concentration (averaged over three years). It is unclear why the ozone SIL value of 1.0 ppb for modeling associated with the PSD Permitting Program should be any different than the significant contribution threshold used for modeling interstate transport contributions to address section 110(a)(2)(D)(i)(I) of the CAA. In fact, EPA references their draft SILs guidance in their November 17, 2016 "Draft PM<sub>2.5</sub> Precursor Demonstration Guidance" document which demonstrates that the SIL values included in the SIL guidance document are appropriate for SIP planning purposes (such as good neighbor SIPs) in addition to permitting purposes. States wanting to use a 1.0 ppb significant contribution threshold to identify linkages for their ozone interstate transport SIPs should simply be allowed to reference EPA's April 17, 2018 SILs guidance memo without further justification.

EPA's methodology for calculating contributions to 'problem' downwind receptors may be biased due to poor model performance. If the model has a high bias on a particular day or days, these poor performing days will be included in the subset of days used to calculate the contributions and will skew the resulting contributions. Poor performing model days should be omitted from the calculation of contributions. Alternately, the contributions could be adjusted upward to account for under predictions at the monitor or adjusted downward to account for over predictions at the monitor.

**STEP 3. Identify the emission reductions necessary (if any), considering cost and air quality factors, to prevent an identified upwind state from contributing significantly to those downwind air quality problems**

EPA has demonstrated how this step can be performed in the CSAPR and CSAPR-Update FIPs which set statewide NO<sub>x</sub> budgets for numerous states simultaneously. However, for a single state to perform this step without being able to require controls in other states, additional guidance and step-by-step examples are needed. As part of this analysis, states should be allowed to consider the

relative impacts of their emissions in terms of ppb/ton or \$/ppb rather than applying the same \$/ton threshold to all upwind states regardless of distance and impact.

The remedy for upwind states linked to maintenance receptors should be less stringent than for those linked to nonattainment areas. EPA inappropriately treats projected maintenance areas identical to projected nonattainment areas. When a state containing a nonattainment area submits a redesignation request and maintenance SIP to EPA, that state commits to maintain emissions at or below the current emission levels for at least 10 years after redesignation to a maintenance area. The state is not required to implement additional emission controls beyond the current controls. However, EPA's current approach for interstate transport requires upwind states that are determined to be significantly contributing to a maintenance area to implement additional emission controls although the area is projected to be in attainment. EPA's approach results in over-control of NOx emissions in the upwind states.

Section 107(a) of the Clean Air Act states, "Each State shall have the primary responsibility for assuring air quality within the entire geographic area comprising such State by submitting an implementation plan for such State which will specify the manner in which national primary and secondary ambient air quality standards will be achieved and maintained within each air quality control region in such State." Thus, putting emission reduction obligations on an upwind state that contributes to a maintenance area is in direct conflict with Section 107(a), especially if that downwind area was never designated nonattainment and thus has no emission reduction obligations.

NOx budgets for upwind states linked only to maintenance receptors should be set at a level needed to maintain attainment. If the projected downwind maintenance area currently has clean data (all monitors at or below the NAAQS), all states that significantly contribute to this area should have a NOx budget set equal to the average annual NOx emissions that occurred in their state during the three year period where the area achieved clean data. If the projected downwind maintenance area does not currently have clean data, each state that significantly contributes to this area should have a NOx budget set equal to the future NOx emissions that were modeled for their state to demonstrate maintenance of the NAAQS. The upwind states would be required to keep their emissions at (or below) those levels for the next 10 years.

**STEP 4. Adopt permanent and enforceable measures needed to  
achieve those emission reductions**

For states that need to perform this step, additional guidance is needed. EPA should list example emission reduction measures that can be used (statewide emission budgets vs. controls on individual facilities). EPA should discuss the options for making controls permanent and enforceable; clarify if revisions to federally enforceable permits need to be adopted into the SIP; and describe how states could implement interstate or intrastate trading.

Thank you for the opportunity to provide input on this important guidance document. Please contact me at 404-363-7014 or [james.boylan@dnr.ga.gov](mailto:james.boylan@dnr.ga.gov) if you have any questions or wish to discuss these comments.

Sincerely,

A handwritten signature in blue ink that reads "James W. Boylan". The signature is written in a cursive style with a long, sweeping tail on the final letter.

James W. Boylan, Ph.D.  
Manager, Planning and Support Program  
Air Protection Branch, Georgia EPD