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U.S. Environmental Protection Agency
Docket ID No. EPA-HQ-OAR-2016-0202

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) appreciates this opportunity to provide comments on the proposed rule, *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements*, as published in the *Federal Register* on November 17, 2016 (81 Fed. Reg. 81,276). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 40 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

Although developing State Implementation Plans (SIPs) to attain and maintain the 2015 ozone National Ambient Air Quality Standards (NAAQS) is a challenge, state and local air pollution control agencies are committed to protecting public health and welfare and to implementing the necessary air pollution control strategies that make the most sense for our communities. To enable us to fulfill our responsibilities, we urge EPA to provide timely rules and guidance documents, as well as federal control measures for sources – mobile and stationary – that are nationally significant, to enable us to attain the ozone NAAQS as expeditiously as practicable.

With respect to some specific aspects of EPA's proposed rule, we offer the following recommendations.

1) *Transition from the 2008 Ozone NAAQS to the 2015 Ozone NAAQS*

EPA proposes two options for revoking the 75-parts-per-billion ozone standard adopted in 2008. Under Option 1, the 2008 ozone NAAQS would be revoked for all purposes in each area one year after the effective date of the designation for the 2015 ozone NAAQS and anti-backsliding requirements would be required. Under Option 2, the 2008 ozone NAAQS would be revoked for all purposes in an area only when the area is designated attainment for the 2008 NAAQS and no sooner than one year after the

effective date of the designation for the 2015 ozone NAAQS; no anti-backsliding requirements would be required. NACAA supports Option 1.

2) *Nonattainment NSR Offset Requirement: Interprecursor Trading for Ozone Offsets*

EPA proposes to reaffirm its longstanding policy to allow, based on EPA approval, NO_x and VOC reductions to be used interchangeably to comply with the offset requirement for ozone and proposes two options for establishing ozone interprecursor trading (IPT) ratios: 1) a case-by-case option, in which ozone IPT ratios would be developed by permit applicants for each proposed project and approved by both the air permitting authority and EPA and 2) an area-specific default option, in which air agencies would develop and include in their plan submission to EPA an area-specific default ozone IPT ratio that would be used for all nonattainment NSR permits issued in a particular ozone nonattainment area. With respect to the second option, NACAA believes it would be preferable for EPA to develop area-specific default ozone IPT ratios itself, rather than handing off this time-consuming and resource-intensive project to the states. However, if EPA is not able to do this, we agree with EPA's proposal that states should be able to choose either of the options presented, including a combination if desired.

3) *International Transport and Background Ozone*

EPA indicates it will consider state demonstrations under CAA Section 179B (related to areas affected by international transport) on a case-by-case basis. The agency seeks comment on whether opportunities for such demonstrations should be limited to nonattainment areas adjoining international borders, and on any technical and legal bases for determining whether it is appropriate to have, or not to have, such limitations. NACAA urges against any unreasonable limitations on the opportunity for Section 179B demonstrations.

EPA also seeks comment on a proposed requirement that all demonstrations under Section 179B, including for Marginal areas, must include a showing that the air agency has adopted all Reasonably Available Control Measures, including Reasonably Available Control Technology, for the area. NACAA believes that in cases where emission sources are beyond a state's jurisdiction and where international sources contribute significantly to ozone levels, it is unlikely that state efforts to impose control measures will have any meaningful impact on mitigating the public health effects of exposure to ozone, especially in many rural counties in the Western U.S. where biogenic sources and, at times, natural fire are the dominant sources of NO_x.

In addition, EPA seeks comment on whether to develop technical guidance for the "but-for" analysis in a Section 179B demonstration. NACAA urges that EPA develop specific and well-defined guidance that will be helpful to state and local air agencies. We would welcome the opportunity to work with EPA to draft such guidance.

Finally, ozone transport continues to be a pervasive and substantial problem for many states. States in the Western U.S, in particular, are concerned with the growing impact of international transport. Many states are struggling with how to meet their statutory clean air obligations in light of the challenges posed by transport. NACAA recommends 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.

4) *RACT Determinations*

NACAA encourages EPA to update its guidance for RACT determinations to reflect current achievable limits and costs.

5) *Resources*

In order to fulfill their responsibilities to attain more protective ozone standards by the prescribed deadlines, state and local air agencies will need more resources than they currently have. This is especially true since many areas of the country will face nonattainment status for the first time and will require additional training and resources to develop and implement state plans. EPA must assist states and localities in this regard and request additional, adequate federal funding to enable them to successfully fulfill their statutory responsibilities and their obligation to provide their citizens with clean, healthful air as expeditiously as practicable.

On behalf of NACAA, we thank you for this opportunity to comment on the proposed implementation rule for the 2015 ozone NAAQS. If you have any questions, please do not hesitate to contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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