



December 2, 2021

Honorable Michael S. Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Attn: Docket ID No. EPA-R02-OAR-2021-0631

RE: Comments on the EPA's Proposed Disapproval of Interstate Transport Requirements for the 2008 Ozone National Ambient Air Quality Standards; New York and New Jersey. 86 Fed. Reg. 60602 (November 3, 2021).

Dear Administrator Regan:

The Pennsylvania Department of Environmental Protection ("DEP" or "Department") appreciates the opportunity to submit these comments in support of the United States Environmental Protection Agency's ("EPA") proposed rulemaking entitled, "Disapproval of Interstate Transport Requirements for the 2008 Ozone National Ambient Air Quality Standards; New York and New Jersey," ("Proposed Disapproval") published at 86 Fed. Reg. 60,602 (November 3, 2021).

The Department agrees with EPA that the New York and New Jersey Good Neighbor State Implementation Plan ("SIP") submissions both do not adequately address the requirements of section 110(a)(2)(D)(i)(I) of the Clean Air Act ("CAA"), 42 U.S.C. § 7410(a)(2)(D)(I), for the 2008 ozone National Ambient Air Quality Standard ("NAAQS"). As outlined in EPA's Proposed Disapproval, New York - as an upwind state - continues to significantly contribute to nonattainment of the 75 parts per billion ("ppb") ozone standard at downwind receptors in Connecticut at almost 20 times the 1% significant contribution threshold. The EPA's Proposed Disapproval also demonstrates that New Jersey, as an upwind, state continues to significantly contribute to nonattainment of the 2008 ozone NAAQS at downwind receptors in Connecticut at roughly 12 times the 1% significant contribution threshold.

The significant contribution threshold for the 2015 ozone standard is 1% or 0.70 ppb for monitoring sites identified as non-attainment and/or maintenance receptors. Due to New York's proximity to Pennsylvania and based upon EPA modeling done for the Revised Cross State Air Pollution Rule (CSAPR) Update (86 Fed. Reg. 23,054 (April 30, 2021)), New York's contributions to Pennsylvania's 2023 design value at the Bristol monitor is 2.05 ppb or about 3 times the 2015 ozone standard significant contribution threshold. New Jersey's proximity results in a significant contribution to Pennsylvania's 2023 design value at the Bristol monitor of 6.21 ppb or about 9 times the 2015 ozone standard significant contribution threshold.¹

¹ https://www.epa.gov/sites/default/files/2021-03/ozone_design_values_contributions_revised_csapr_update.xlsx

In addition to New York and New Jersey's continued upwind exceedances of the significant contribution threshold and impacts on adjacent nonattainment and maintenance areas for the 2008 ozone standard, excess emissions of volatile organic compounds ("VOCs") and/or oxides of nitrogen ("NOx") from both states continue to significantly contribute to nonattainment at Pennsylvania's Philadelphia or Bristol monitors, which are included in the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE multi-state "marginal" nonattainment area for the 2015 ozone NAAQS.

Because of New York and New Jersey's proximity to Connecticut, their emissions generate much greater pollution contributions to Connecticut's monitors than contributions from any other state. In other words, the same level of emissions from these two states have a much more harmful effect on air quality in Connecticut than other downwind states. As a result, reductions in NOx and VOC emissions from these sources in these states result in much bigger reductions in ozone concentrations at Connecticut's monitors.

In addition, New York and New Jersey could still make overall low-cost ozone reductions on a "part per billion" basis to address nonattainment at Connecticut's monitors for the 2008 ozone NAAQS. As part of EPA's analysis in the Proposed Disapproval, EPA finds that New York and New Jersey fail to address the Revised CSAPR Update's benefits in their SIPs.

The DEP recommends that New York and New Jersey should evaluate costs on a dollar per ppb of ozone reduced basis in addition to the costs in dollars per ton of VOC or NOx reduced. EPA should consider cost effectiveness based upon the magnitude of the direct ozone reduction when reviewing New York's and New Jersey's Good Neighbor SIP obligations due to their large impact and proximity to Connecticut's nonattainment areas. The contention made by New York and New Jersey in their Good Neighbor SIPs is that no additional cost-effective measures are available, but these two states fail to consider their larger ozone impacts and the lower cost of actual ozone reductions they can achieve.

In conclusion, the Department supports EPA's Proposed Disapproval. The two SIPs leave cost effectiveness of achievable additional measures and their related emissions reductions unresolved. If New York and New Jersey were to make their portion of the required reductions to bring Connecticut into compliance with the 2008 ozone standard, these additional reductions would significantly assist Pennsylvania and other Ozone Transport Region States in attainment and maintenance of the 2015 ozone NAAQS. As noted previously, both states excess emissions have not been addressed for the 2008 ozone standard, and thus, continue to impact the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE 2015 ozone NAAQS nonattainment area.

This letter is being submitted to EPA electronically through [Regulations.gov](https://www.regulations.gov). Should you have any questions regarding this submission, please contact Mark Hammond, Director, Bureau of Air Quality, by e-mail at mahammond@pa.gov or by telephone at 717.787.9702.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick McDonnell". The signature is fluid and cursive, with the first name being more prominent than the last.

Patrick McDonnell
Secretary

Enclosures

cc: Ms. Cristina Fernandez, EPA Region III
Mr. Krishnan Ramamurthy, DEP, Office of Waste, Air, Radiation and Remediation
Mr. Mark Hammond, DEP, Bureau of Air Quality