



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

March 13, 2015

Gina McCarthy, Administrator
Docket No. EPA-HQ-OAR-2008-0699
U. S. Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Ms. McCarthy:

Re: Submission of Comments to Docket No.
EPA-HQ-OAR-2008-0699; National Ambient
Air Quality Standards for Ozone; Proposed
Rule

This letter is in response to the United States Environmental Protection Agency's (U.S. EPA's) proposed revisions to the National Ambient Air Quality Standards (NAAQS) for ozone published in the Federal Register (FR) on December 17, 2014, at 79 FR 75233-75411. The State of Indiana appreciates the opportunity to provide comments to U.S. EPA and respectfully requests that before finalizing its proposed revisions to the NAAQS for ozone, the U.S. EPA consider the input and recommendations contained in this letter and from all other stakeholders.

Indiana requests that the Administrator retain the current standard. There have been few new health studies and no compelling evidence that indicate lowering the standards would have any overall impact on public health, and the lower standards will adversely impact economic development. Furthermore, lowering the current standards will put additional burdens on states when there is a lack of authority and reasonable control measures and strategies to meet the new proposed standards.

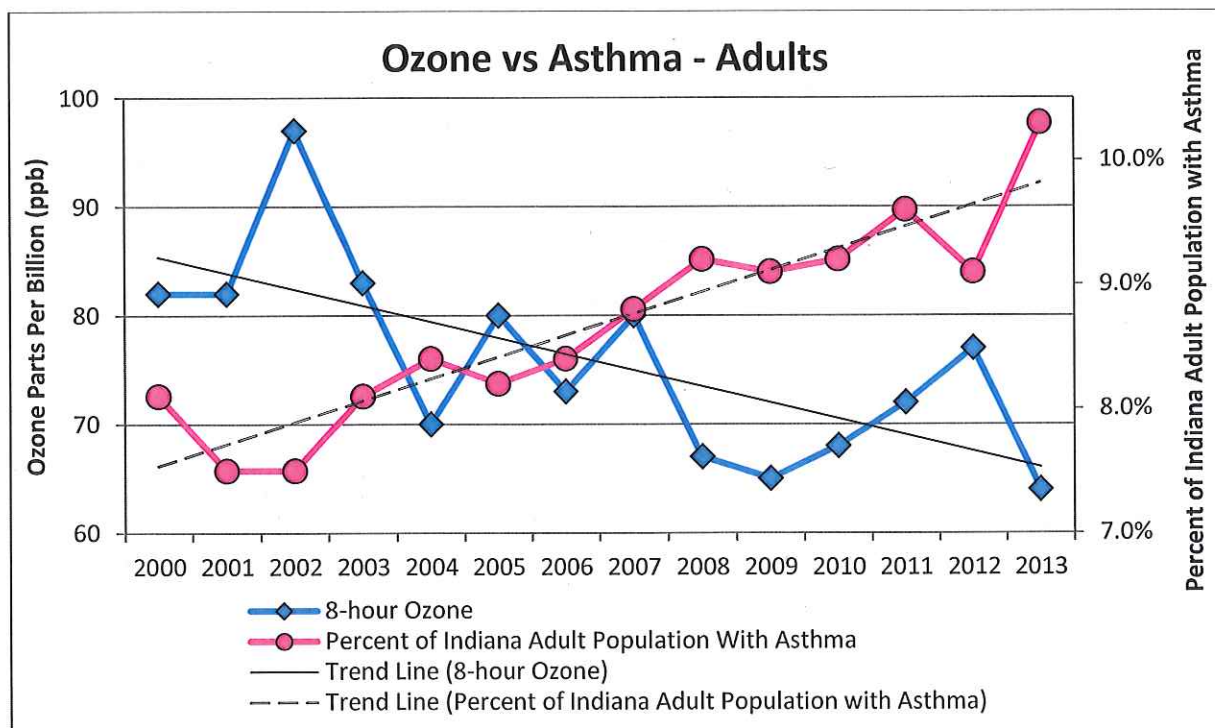
1. No compelling evidence indicates a benefit to public health from the lower standard.

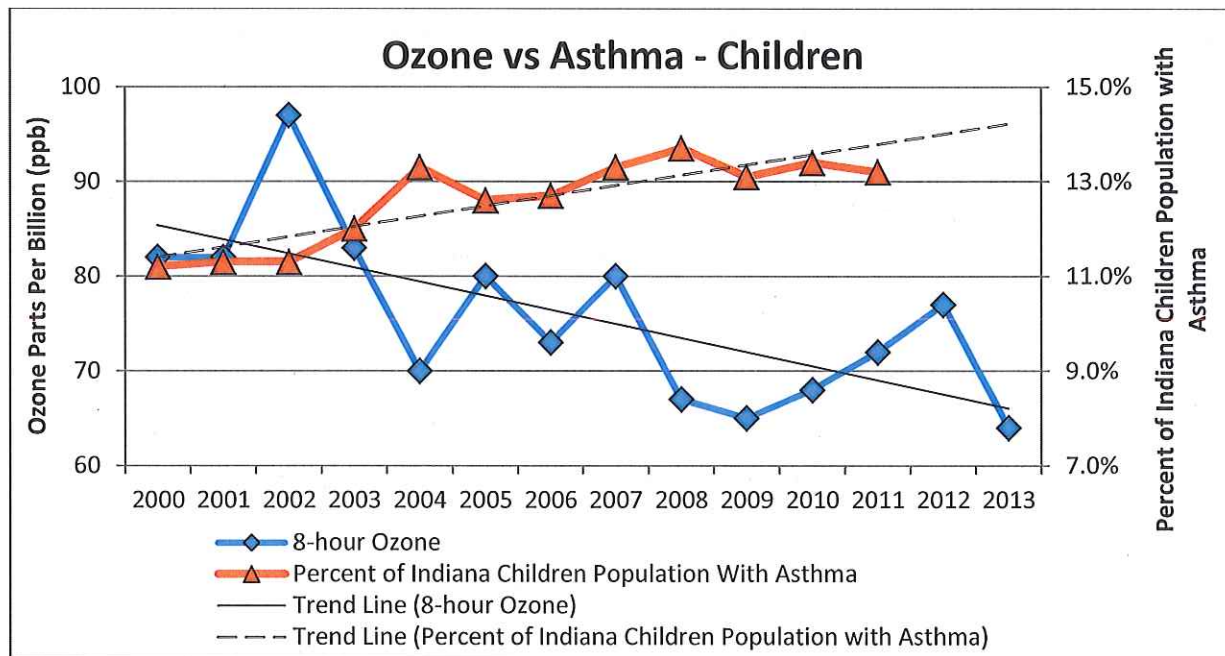
Indiana shares the U.S EPA's goal of establishing NAAQS that are protective of human health, public welfare, and the environment, and believes that any changes to the primary and/or secondary standards must be supported by compelling scientific evidence. The December 17, 2014, Federal Register proposal asserts that a significantly expanded body of scientific data provides the necessary weight of evidence to support further strengthening of the current primary NAAQS for ozone to within a range of 65 to 70 parts per billion (ppb) to provide requisite protection of public health

with an adequate margin of safety. While there are a significant number of studies upon which U.S. EPA relies for recommending the current ozone standards, there have been few new health studies published since the 2008 ozone standards were promulgated that show compelling evidence that lowering the NAAQS standards for ozone would have significant beneficial results. As such, U.S. EPA should retain the current primary and secondary 8-hour NAAQS for ozone and delay any further revisions to these standards until the next statutorily required NAAQS review cycle slated for the year 2018. This will provide additional time to review updated information and incorporate any new compelling scientific evidence that supports any further strengthening of the ozone NAAQS.

Also, Indiana is concerned that one of the arguments that U.S. EPA is relying on to propose more stringent ozone standards is to provide increased public health protection for those “at risk” populations such as children, older adults, and people with asthma or lung disease. As the graphs below illustrate, ozone concentrations have decreased significantly since the year 2000 across Indiana. However, as shown on each graph, asthma rates have increased across Indiana over the same time period. This inverse correlation between decreasing ozone and increasing rates of asthma indicates that the assumed link between ozone and asthma may not be as strong as is currently believed.

Asthma is a complex illness having a variety of conditions for which the most common symptom is the inflammation and restriction of airways. Therefore, it would be misguided for U.S. EPA to use the perceived relationship between ozone and asthma to lower the current ozone standard when, in reality, it may have little to no overall impact on the number of people that are diagnosed with asthma in the United States.





Note: No asthma data collected for children after 2011

2. The lower standard will adversely impact economic development.

Lowering the 8-hour standard by 5 to 10 ppb will result in widespread adverse economic impacts on much of the United States. The regulatory burden falls onto the states for State Implementation Plan development, monitoring, and the institution of more stringent permitting and emission control requirements. Any county designated as nonattainment would be subject to Nonattainment New Source Review (NNSR) requirements for major new or modified sources. While it makes sense to avoid or minimize emission increases in nonattainment areas, stricter permitting requirements have the unintended consequences of a decrease in economic growth in both the nonattainment county and the surrounding counties, preventing the natural progression of cleaner technologies, replacing less efficient existing technologies.

It is essential for U.S. EPA to ensure that the final NAAQS are fully supported by sound scientific and health-related data, and the adverse impacts are minimized to the greatest extent possible. Likewise, U.S. EPA must ensure that the intended public health benefits associated with the NAAQS are achievable and do not result in adverse impacts offsetting the positive public health impacts, prior to determining the appropriate threshold.

3. States lack authority and reasonable control measures and strategies to meet the new proposed standards.

Based on existing ambient air quality monitoring data, numerous counties with ozone monitors and a number of adjacent and/or downwind counties will likely be designated nonattainment under the revised standards if they are set in the range

currently proposed by U.S. EPA. Some of these counties will be arbitrarily labeled as nonattainment even though they are heavily impacted by ozone transport and interstate travel over which they have very limited control.

For example, Greene County, Indiana, is located in rural southwest-central Indiana. The ozone monitor within Greene County can be considered representative of background ozone concentrations because it is not significantly influenced by nearby population centers or local industrial sources. The isolated nature of this monitor indicates that it is impacted by the regional transport of ozone and more localized interstate travel. This monitor recorded a 2012-2014 three-year design value of 71 ppb, which is above the range of the new standard proposed by U.S. EPA. For this monitor in particular, and for many other monitors across Indiana and other states, there is an absence of adequate and reasonable control measures or strategies to meet the new proposed standards.

When air quality standards are set to a level fairly representative of background concentrations measured at rural monitoring sites like the one in Greene County, Indiana, states do not have adequate authority to develop and implement the level of emission controls necessary to achieve attainment. Only the U.S. EPA has the authority to implement measures that achieve regional reductions from the portions of the emissions inventory most culpable for contributing to regional transport. This includes emissions from the onroad and nonroad source categories that are most prevalent on a regional scale.

For areas of the state where monitored ozone is more directly influenced by precursor emissions from mobile sources, Indiana would have a difficult time implementing any new controls at the state level that would reduce measured ozone concentrations by a full part per billion or more. With the growth in vehicle miles traveled, and the increased life expectancy of motor vehicles, these types of stringent controls would have to be implemented at the national level to have any type of benefit within heavily populated urban areas that have elevated ozone concentrations due to urban excess (the minor difference between concentrations measured in heavily populated urban areas compared to concentrations measured at rural/background sites).

The Clean Air Act amendments of 1990 result in a very prescriptive implementation mechanism that is specific to the former 1-hour ozone standard that was revoked in 2005. In the early 1990's, the only areas that struggled to meet the 1-hour ozone standard were densely populated major urban areas. Therefore, the prescriptive requirements tied to implementation of the standard focused on emission reduction requirements specific to addressing ozone levels in large urban areas. This included vehicle emissions testing, Stage II vapor recovery, and Reasonably Available Control Technology specific to industrial source categories. Additionally, the attainment planning requirements place the sole burden of emission reductions to occur within the nonattainment area itself.

Much has changed since the early 1990's. Localized reductions of volatile organic compounds is far less effective at reducing ozone concentrations at the local level now due to drastic changes in photochemical sensitivity. This is in large part due to the drastic reductions that have occurred over the past twenty-five years in ozone precursors across the country, but particularly within the larger urban areas. Regardless of the form of the standard or the threshold established, the same outdated prescriptive implementation requirements will apply to areas affected by a new ozone NAAQS. However, the application of these requirements under the standard that U.S. EPA has proposed will not achieve the same results. Application of these requirements today will prevent areas from being able to attain by the prescribed deadline and prohibit states from being able to comply with the associated requirements.

Greene County, Indiana is a good example of a geographic area for which the current prescribed requirements of the Clean Air Act will not adequately address attainment of the standard. Under the proposed standard, Greene County would be designated nonattainment based on current measured concentrations within the county being above the proposed range. If the area were not to attain the standard within three years, prescriptive requirements will apply to the county and to the state. Such requirements would include Rate of Further Progress, that requires quantifiable incremental emission reductions within the county, and an attainment plan that includes permanent and enforceable measures necessary to achieve attainment of the standard.

However, based on the fact that Greene County is a rural county with no stationary sources and the county is impacted by transport as opposed to anthropogenic precursor emissions originating within the county, Indiana would not be in a position to meet the statutory Rate of Further Progress requirements. Additionally, Indiana would lack the necessary authority to institute the permanent and enforceable regional controls actually needed to support attainment of the standard. Therefore, U.S. EPA must carefully consider the implementation challenges that the prescribed implementation structure of the Clean Air Act poses for states to address a revised ozone standard that is significantly different in both form and stringency than the 1-hour standard that the current implementation requirements were designed to address. These challenges could not have been considered or foreseen in the early 1990's. However, they have to be considered prior to making any further revisions to the ozone NAAQS.

In conclusion, Indiana requests that the Administrator retain the current standard. There have been few new health studies and no compelling evidence that indicate lowering the standards would have any overall impact for those "at risk" populations when the inverse correlation between decreasing ozone and increasing rates of asthma indicate that the assumed link between ozone and asthma may not be as strong as is currently believed. Furthermore, the lower standards will adversely impact economic development. Finally, lowering the current standards will put additional burdens on states when there is a lack of authority and reasonable control measures and strategies to meet the new proposed standards.

Indiana thanks U.S. EPA for the careful consideration of these comments and recommendations regarding the proposed revisions to the NAAQS for ground-level ozone. Should you have any questions regarding these comments and recommendations, please contact Keith Baugues at (317)232-8222 or by email at kbaugues@idem.in.gov.

Sincerely,



Thomas W. Easterly
Commissioner

cc: Susan Hedman, U.S. EPA Region 5
Doug Aburano, U.S. EPA Region 5
Ed Doty, U.S. EPA Region 5
Keith Baugues, IDEM-OAQ
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