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September 25, 2020

Andrew R. Wheeler, Administrator
U.S. Environmental Protection Agency
EPA Docket Center
Air and Radiation Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Docket Id. No. EPA-HQ-OAR-2018-0279

Dear Administrator Wheeler:

Enclosed for filing are the comments of the Midwest Ozone Group (MOG)¹ in support of the proposal by EPA to retain, without revision, the existing national ambient air quality standards (NAAQS) for photochemical oxidants including ozone (O₃). The agency's proposal is supported by both the Clean Air Act and the science for the protection of public health and welfare.

Very truly yours,

A handwritten signature in blue ink that reads 'Kathy G. Beckett'.

Kathy G. Beckett

Counsel to the Midwest Ozone Group

¹ MOG is an affiliation of companies and associations that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs. The members of and participants in the Midwest Ozone Group include: American Electric Power, American Forest & Paper Association, American Wood Council, Ameren, Alcoa, Appalachian Region Independent Power Producers Association (ARIPPA), ArcelorMittal, Associated Electric Cooperative, Big Rivers Electric Corp., Citizens Energy Group, Cleveland Cliffs, Council of Industrial Boiler Owners (CIBO), Duke Energy, East Kentucky Power Cooperative, ExxonMobil, FirstEnergy, Indiana Energy Association, Indiana Utility Group, LGE / KU, Marathon Petroleum, National Lime Association, Ohio Utility Group, Olympus Power, and City Water, Light and Power (Springfield IL).

**COMMENTS OF THE MIDWEST OZONE GROUP
ON EPA'S PROPOSED ACTION TO RETAIN THE
OZONE NATIONAL AMBIENT AIR QUALITY STANDARD
(85 Federal Register 49830, August 14, 2020)**

September 25, 2020

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Exhibit A: Air Quality Modeling Technical Support Document for 12km Modeling of EPA 2028fh Base Case Technical Support Document, Prepared by: Alpine Geophysics, LLC May 2020, http://midwestozonegroup.com/files/Alpine_12km_Modeling_TSD_2028fh_May_2020_.pdf

Exhibit B: Analysis of Ozone Trends in the East in Relation to Interstate Transport, Norm Possiel, EPA/OAQPS, May 14, 2018, http://www.midwestozonegroup.com/files/2018-05-14_EPA_OAQPS_-_Analysis_of_O3_Trends_in_the_East_in_Relation_to_Interstate_Transport.pdf

Exhibit C: OTC / MANE-VU Joint Committees’ Meeting, September 21, 2018, http://www.midwestozonegroup.com/files/MOG_OTC_SAS_Public_09212018.pdf

Exhibit D: Cleaner Trucks Initiative Scenario Modeling Using EPA 2028fh Modeling Platform Technical Support Document Prepared by: Alpine Geophysics, LLC, June 2020 http://www.midwestozonegroup.com/files/Alpine_Geophysics_-_CTI_Scenario_Modeling_TSD_-_June_2020.pdf

Exhibit E: Midwest Ozone Group Comments regarding Draft CAA 179B Guidance, March 4, 2020, http://www.midwestozonegroup.com/files/Midwest_Ozone_Group_Comments_to_Draft_CAA_179B_Guidance_Docket_ID_No._EPA-HQ-OAR-2019-0668_11002280.1_.pdf

EXECUTIVE SUMMARY

The Midwest Ozone Group (MOG) supports EPA's recommendation to maintain the current primary and secondary ozone national ambient air quality standards (NAAQS). The technical and health-based scientific administrative record supports EPA's proposal. Air quality monitoring data demonstrate historic and future downward trends in measured ground level ozone which will continue over the next several years assuring an adequate margin to public health and safety and welfare.

The air quality trends demonstrating improvements are the direct result of ongoing implementation of various federal, state, and local ozone reducing regulations. EPA's 2023 and 2028 projections show ozone precursor emissions predictably will continue to decline. MOG directs EPA's attention to work it requested of Alpine Geophysics which modeled ozone design values using a 12km simulation of EPA's 2023 platform. Alpine's modeling builds upon EPA's platform projecting that (except for California and monitors in Connecticut, Colorado, Texas, and Utah) most of the United States will achieve attainment with the current 70 ppb standard by 2028.

The current ozone NAAQS implementation goals are yet to be completed. In order to manage problem ozone areas, EPA's studies of residual nonattainment indicate local sources within the problem areas are impacting the ability of those areas to achieve ozone NAAQS attainment. EPA and the states are actively assessing the completeness and efficacy of the state implementation plans relative to local controls. Additionally, EPA continues to improve and refine regional ozone transport programs like the CSAPR Update rule and mobile source programs like the Cleaner Trucks Initiative. These programs are examples of the evolution of additional and new emission regulations that will result in improved ozone air quality.

There are also issues that influence the ability of EPA and the states to control ozone precursors. Relative to United States Background (USB), EPA has confirmed that international emissions are evident in domestic modeling analyses and that such emissions are impacting USB. Before promulgation of a new ambient air quality standard, further assessment of how states are going to manage adverse impacts from international sources that they cannot control must be reviewed. Another factor beyond the control of states implementation plans has been "exceptional events" such as wildfires. EPA's policy highlights the limitations of states to manage all air quality impacts by allowing regulatory relief from bad air quality data derived from an exceptional event. EPA is urged by MOG to direct states to invoke the exceptional events policy in all qualified occasions thereby creating air quality monitoring data that is representative of activities of sources regulated by the Clean Air Act.

In conclusion, the states and EPA must be permitted to complete implementation of the 2008 and 2015 ozone NAAQS. By allowing the investments in those programs to mature and deliver immediate and imminent future gains in air quality benefits is prudent. It is premature to implement a new ozone ambient standard with so few indicators that the current standards are not protective of human health and welfare or are static and ineffective. MOG supports EPA's decision to retain the current ozone NAAQS.

COMMENTS OF THE MIDWEST OZONE GROUP ON EPA'S PROPOSED ACTION TO RETAIN THE OZONE NATIONAL AMBIENT AIR QUALITY STANDARD (85 Federal Register 49830, August 14, 2020)

September 25, 2020

1. Introduction

The Midwest Ozone Group (MOG) is pleased to have the opportunity to comment in support of the August 14, 2020 proposal by the U.S. Environmental Protection Agency (EPA) to retain the 2015 National Ambient Air Quality Standards (NAAQS) for photochemical oxidants, including ozone (O₃), without revision. (85 Federal Register 49830, August 14, 2020).¹

MOG is an affiliation of companies and associations that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs.² MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science. MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules, NAAQS standards, nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act ("Act"), NAAQS implementation guidance, the development of Good Neighbor state implementation plans (SIPs) and related regional haze and climate change issues. MOG Members and Participants own and operate numerous stationary sources that are affected by air quality requirements including the ozone NAAQS. MOG seeks the development of technically and legally sound air pollution rules and actions that may impact on their facilities, their employees, their contractors, and the consumers of their products.

Concerning the primary ozone NAAQS EPA has properly concluded, "Based on the large body of evidence concerning the health effects and potential public health impacts of exposure to O₃ in ambient air, and taking into consideration the attendant uncertainties and limitations of the evidence, the Administrator proposes to conclude that the current primary O₃ standard provides the requisite protection of public health, including an adequate margin of safety, and should therefore be

¹. These comments were prepared with the technical assistance of Alpine Geophysics, LLC. Comments or questions about this document should be directed to David M. Flannery, Kathy G. Beckett or Edward L. (Skip) Kropp, Legal Counsel, Midwest Ozone Group, Steptoe & Johnson PLLC, 707 Virginia Street East, Charleston, West Virginia 25301; 304-353-8000; dave.flannery@steptoe-johnson.com; kathy.beckett@steptoe-johnson.com; or skipp.kropp@steptoe-johnson.com, respectively.

². The members of and participants in the Midwest Ozone Group include: American Electric Power, American Forest & Paper Association, American Wood Council, Ameren, Alcoa, Appalachian Region Independent Power Producers Association (ARIPPA), ArcelorMittal, Associated Electric Cooperative, Big Rivers Electric Corp., Citizens Energy Group, Cleveland Cliffs, Council of Industrial Boiler Owners (CIBO), Duke Energy, East Kentucky Power Cooperative, ExxonMobil, FirstEnergy, Indiana Energy Association, Indiana Utility Group, LGE / KU, Marathon Petroleum, National Lime Association, Ohio Utility Group, Olympus Power, and City Water, Light and Power (Springfield IL).

retained, without revision.”³

Relative to the secondary ozone NAAQS EPA has also properly concluded, “Based on the large body of evidence concerning the welfare effects, and potential for public welfare impacts, of exposure to O₃ in ambient air, and taking into consideration the attendant uncertainties and limitations of the evidence, the Administrator proposes to conclude that the current secondary O₃ standard provides the requisite protection against known or anticipated adverse effects to the public welfare, and should therefore be retained, without revision.”⁴

MOG believes EPA’s proposal to retain the current ozone NAAQS without revision is well-justified both legally and technically.

2. EPA’s recommendation is supported by sound science and is consistent with requirements of the CAA.

MOG supports EPA’s conclusions on the current ozone NAAQS as being consistent with the requirements of Sections 108 (emissions that cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare) and 109 (national primary and secondary ambient air quality standards for criteria pollutants) of the Clean Air Act. The health and welfare effects evidence assessing ozone evaluated in the Integrated Science Assessment (ISA), quantitative exposure/risk analyses and policy evaluations presented in the Policy Assessment (PA), advice from the CASAC and public input support EPA’s proposed decision to retain the current standards, without revision. The administrative record for this proposal supports the conclusion that the current primary and secondary standards are protective of public health and welfare with an adequate margin of safety.

3. Ozone air quality has been steadily improving and will continue to do so.

EPA correctly notes that monitoring data indicate that long-term reductions in ambient ozone concentrations have been occurring for decades.⁵ As the comments indicate, this downward trend in air quality is directly related to a downward trend in emissions which are projected to continue for years to come according to air quality modeling performed by both EPA and MOG.

³. 85 Federal Register 49830 at 49868 (August 14, 2020).

⁴. *Id.* at 49907.

⁵. *Id.* at 49837.

a. Ozone precursor NOx emissions have been steadily decreasing in recent years

EPA’s National Air Pollutant Emission Trends data⁶ indicate that on a national level, NOx emissions have significantly decreased and air quality has significantly improved as a result of regulations already in place and are on track to continue to improve as existing regulations are fully implemented in the future.

EPA data indicate that in 2019, the principal sources of NOx emissions contributing to ozone were mobile sources (55%), industrial facilities, industrial fuel combustion, area sources (30%), and electric generating units (EGUs) (11%). These emissions are presented in Figure 1 below.

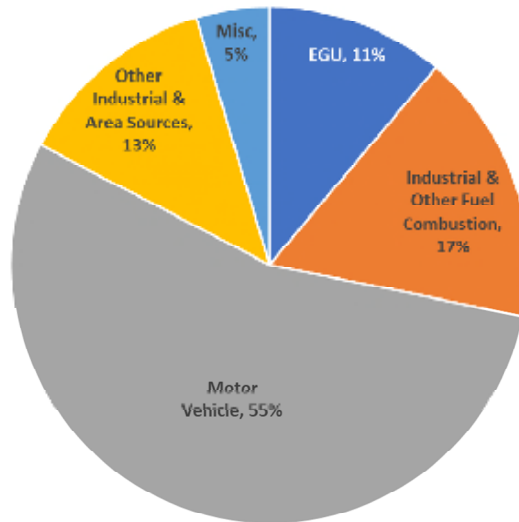


Figure 1. Annual 2019 emissions distribution for NOx

Further, EPA data indicate that individually, the vast majority of states have achieved significant reductions of emissions contributing to ozone and have seen improved air quality over the past decade, with projected further air quality improvements over the next several years due to the implementation of existing Clean Air Act programs.

Figures 1 and 2 present graphical displays of national NOx emissions as provided by EPA. These Figures show the resultant NOx emission trends, by major category, for the 1999 through 2019 timeframe. Consistent with findings on state and regional scales, emissions from EGU and mobile source categories show the greatest declines over time as the result of ongoing implementation of various federal, state, and local regulations.

⁶ <https://www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data>

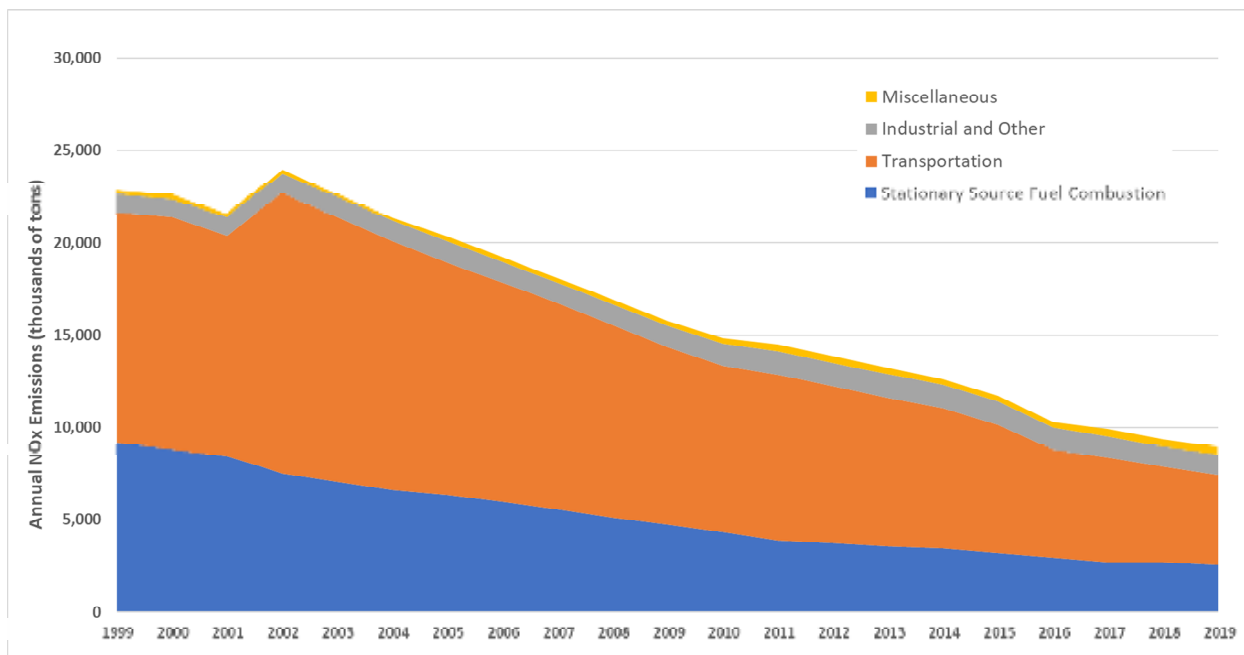


Figure 2. Annual NOx emission trends by major source category.

NOx emission reductions during the period of 1999 to 2019 range from a seventy-three percent (73%) decrease in stationary source fuel combustion to an increase of sixty-three percent (63%) in miscellaneous source emissions.

Table 1 below presents national NOx emission changes between 1999 and 2019 as reflected in Figure 2. Only the three-year National Emission Inventory cycle of years and most current data from 2019 are presented. NOx emissions during the period of 1999 to 2019 for all source categories show a reduction by 61%. Stationary source fuel combustion emission reductions over the same period demonstrate a 73% reduction.

Table 1. Annual NOx emissions (thousand tons) by category and year.

Year	Annual NOx Emissions (Thousand Tons)			
	Stationary Fuel Combustion	Transportation	Industrial and Other Processes	Miscellaneous
1999	9,198	12,456	940	251
2002	7,488	15,201	1,059	211
2005	6,343	12,612	1,129	271
2008	5,127	10,426	1,094	262
2011	3,904	8,952	1,264	399
2014	3,455	7,559	1,282	294
2017	2,685	5,675	1,139	409
2019	2,522	4,880	1,139	409

These findings are consistent with EPA's most recent trends⁷ publication. As reported in this publication, since 1970, the combined emissions of criteria and precursor pollutants have dropped by 77%; 7% alone since 2017. Emissions of NO_x are among the largest emission declines (65%) since 1990, largely because of the implementation of national and regional EGU regulation of these pollutants. Title IV reductions, the NO_x State Implementation Plan (SIP) Call, and Cross-State Air Pollution Rule (CSAPR) require emission reductions from EGUs on the order of up to seventy percent (70%) from baseline conditions in selected States across the eastern U.S. State implementation of RACT and BACT to achieve ozone attainment has contributed to NO_x emissions reductions and ozone air quality improvement. NO_x emissions have also declined in industrial sectors, such as the pulp and paper industry, as many coal-fired industrial boilers have been retired or refueled with natural gas, driven in part by the Industrial, Commercial and Institutional Boiler MACT and the 1-hour SO₂ NAAQS, and new boilers built in the last several years are largely fired with natural gas and have low-NO_x burners.

b. Air quality improvements are following emissions reductions

Concurrently, air quality data have shown marked decreases in monitored concentrations based on decreasing trends in Design Values (DV) over time⁸. Regional average 8-hr ozone DVs for each overlapping three-year period starting with 1998-2000 and ending with 2017-2019 are presented in Figure 3. Results are that average 8-hr ozone design values have decreased in all nine regional areas between 2000 and 2019.

Ozone DVs were calculated as the annual 4th highest daily maximum 8-hour average averaged over three consecutive years with the current standard equaling 70 parts per billion (ppb).

While these trends demonstrate marked improvement in air quality on a regional basis for the period from 2000 through 2019, it is clear that there still remain areas in the U.S. that require additional control of those source categories causing or contributing to non-attainment or maintenance in order to achieve the existing and proposed ozone NAAQS. However, it is noteworthy that between 2010 and 2019, there has been a 36% reduction in the number of areas where the DV exceeds 70 ppb (the 2015 ozone NAAQS), from 36 in 2010 to 23 in 2019. These improvements are noted in areas that are attaining the 70 ppb ozone standard as well – from 2010 to 2019, 83% (669 of 807) of ozone monitoring sites have observed a reduction in the DV, 51% (87 of 807) have seen a decrease of 5 ppb or greater, and 11% (87 of 807) have seen a decrease of 10 ppb or greater.

These residual non-attainment areas will require the continued implementation of existing regulation and introduction of new air pollutant emission controls for those source categories causing or contributing to ozone non-attainment or maintenance, both regionally and locally, to attain existing and proposed NAAQS.

⁷. <https://gispub.epa.gov/air/trendsreport/2020/#home>

⁸. <https://www.epa.gov/air-trends/ozone-trends>

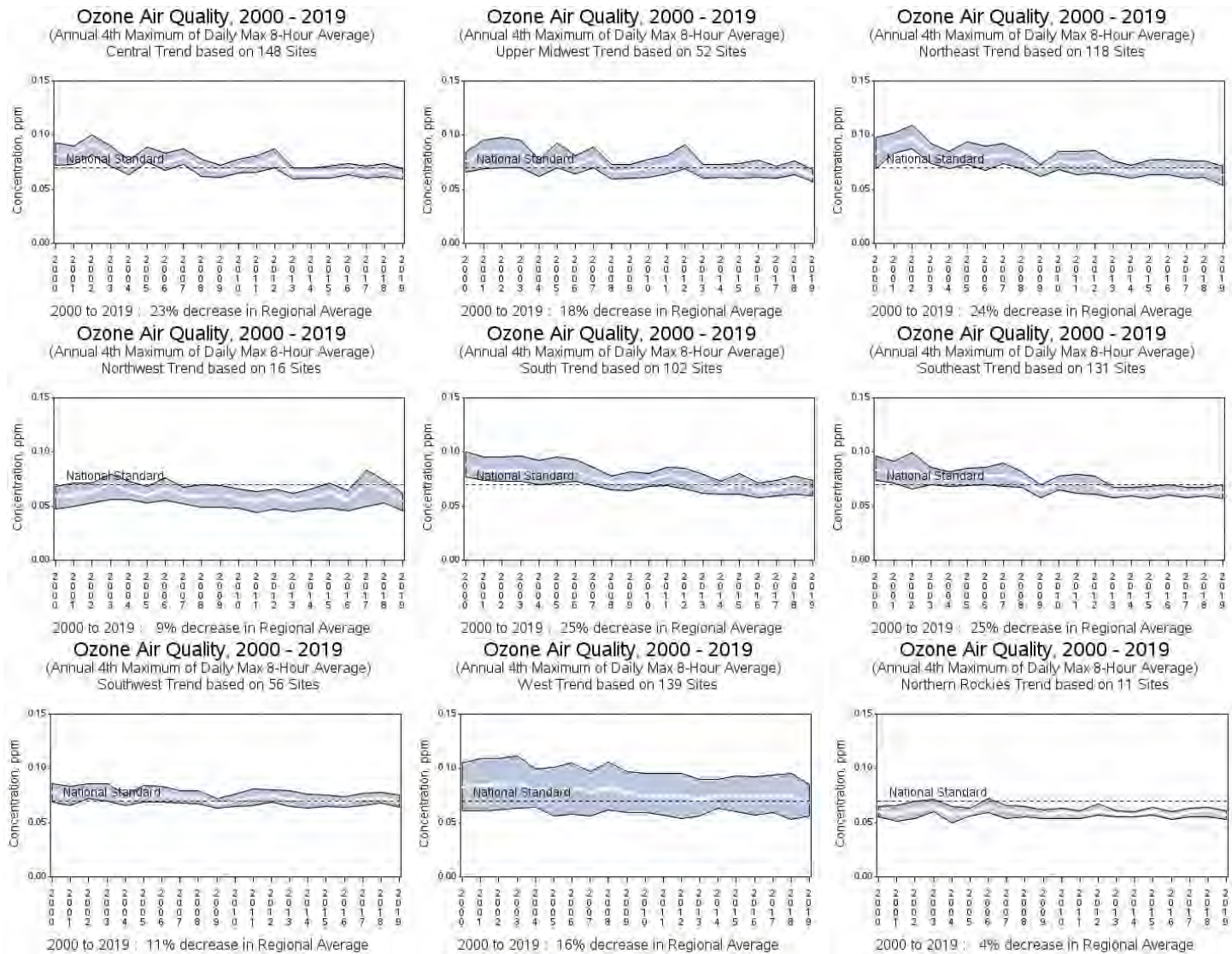


Figure 3. Regional average 8-hr ozone design value trends (ppb).

c. EPA’s 2023 and 2028 projections show ozone precursor NOx emissions to continue to decline.

In addition to continued implementation of stationary source regulation, additional reductions from the on-road mobile source vehicle fleet and fuel regulations have and are anticipated to generate additional reductions from these pollutants as covered by these rules, including the Tier 2/Gasoline Sulfur rule and Heavy Duty Engine/Vehicle and Highway Diesel Fuel rules.

Further reductions can be expected from the implementation of newly promulgated programs such as regulations on locomotives, marine vessels, and others. Air quality will continue to improve as emissions are reduced in line with the requirements of these environmental rules.

EPA emission projections⁹ reflect the reductions achieved through the continued implementation of promulgated “On-The-Books” and “On-The-Way” regulation. Upon review of the following graphics, consideration must be given to the fact that these reductions are from discreet regulated sources and that other sources not subject to targeted regulation and generally defined background concentrations are significant contributors to NOx levels. As can be seen in Figure 4, reductions of ozone precursor emissions of NOx are projected to decline between now and 2028, consistent with these known controls.

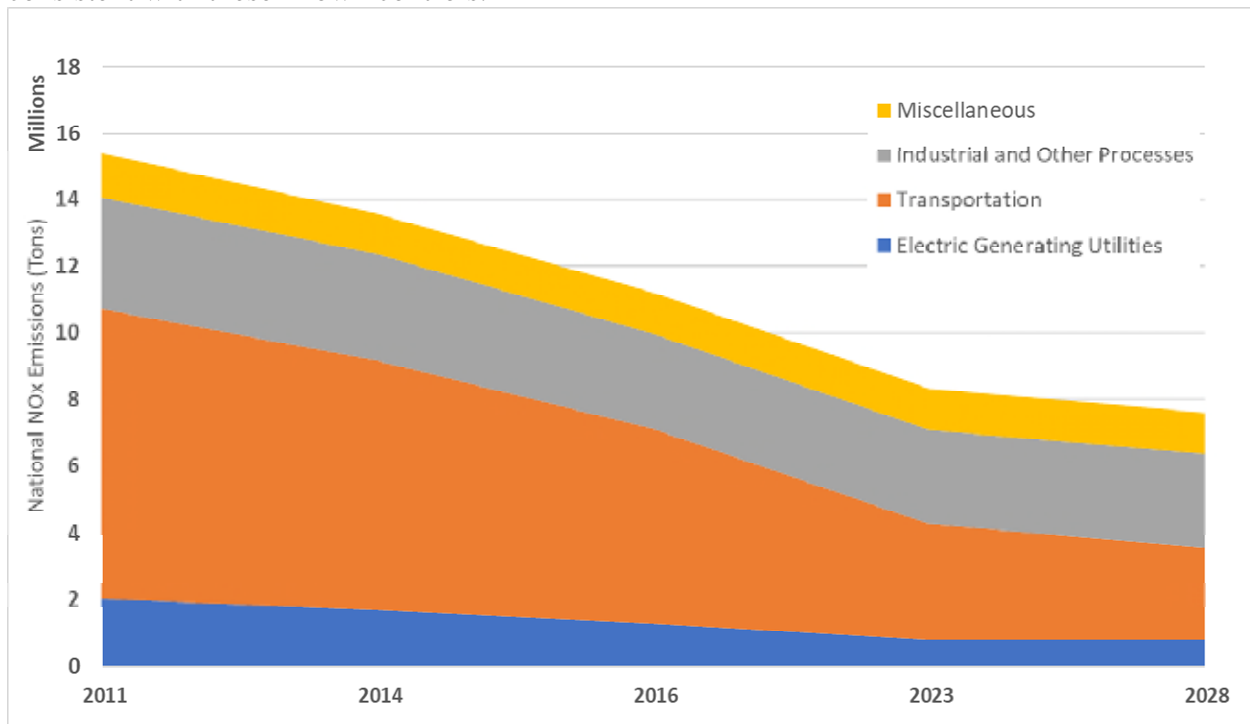


Figure 4. Annual NOx emission trends and projections by major source category.

⁹ ftp://newftp.epa.gov/Air/emismod/2016/v1/reports/all_2011v63_2014v71_2016v1_county_summary_09-Oct-2019.zip

d. MOG’s Modeling of EPA’s 2028 platform projects ozone concentrations to continue to improve.

A 2028 future year base case CAMx simulation was conducted by Alpine Geophysics, LLC using EPA’s most recent 2016fh modeling platform that includes a full suite of applied “On-The-Books” and “On-The-Way” promulgated control programs. A copy of the Technical Support Document related to this work is attached and identified as Exhibit A and can be found here: http://midwestozonegroup.com/files/Alpine_12km_Modeling_TSD_2028fh_May_2020_.pdf. The ozone concentrations from the 2016 and 2028 CAMx model simulations were used to project 2014-2018 average ozone design values to 2028 using the SMAT-CE tool and following the approach described in the EPA’s guidance for attainment demonstration modeling.¹⁰

Sites with 2028 average design values that exceed the NAAQS (i.e., 2028 average design values of 71 ppb or greater) are considered nonattainment receptors in 2028. Modeled nonattainment monitors defined using Alpine’s 12km simulation are provided in Table 2 along with their calculated 2028 average design values. A full list of monitor locations and modeled average ozone design values for the 12km domain modeling is presented in Figure 5 below.

As noted in this table, outside of California, there are only three monitors projected to be in nonattainment of the 70 ppb NAAQS in Connecticut, one monitor in Colorado, one monitor in Texas, and four monitors in Utah. All other monitors in the contiguous U.S. are projected to have 2028 future year ozone design values below the level of the current standard.

Table 2. Alpine 12km modeling-identified 8-hour ozone nonattainment monitors.

Monitor	State	County	Modeled MDA8 Ozone DV (ppb)	
			Base 2016	Base 2028
60170010	California	El Dorado	85.3	72.7
60190007	California	Fresno	87.0	76.5
60190011	California	Fresno	90.0	79.1
60190242	California	Fresno	84.3	75.8
60194001	California	Fresno	90.3	78.2
60195001	California	Fresno	91.0	79.7
60250005	California	Imperial	76.7	76.4
60251003	California	Imperial	76.0	75.7
60290007	California	Kern	87.7	78.8
60290008	California	Kern	83.0	75.0
60290011	California	Kern	83.3	76.9
60290014	California	Kern	86.0	77.5
60290232	California	Kern	79.3	71.5
60292012	California	Kern	89.3	80.3

10. https://www3.epa.gov/ttn/scram/guidance/guide/O3-PM-RH-Modeling_Guidance-2018.pdf

Monitor	State	County	Modeled MDA8 Ozone DV (ppb)	
			Base 2016	Base 2028
60295002	California	Kern	87.3	78.4
60296001	California	Kern	80.7	73.5
60311004	California	Kings	83.3	72.8
60370002	California	Los Angeles	94.3	89.3
60370016	California	Los Angeles	100.0	94.7
60371201	California	Los Angeles	88.3	80.7
60371602	California	Los Angeles	75.7	74.3
60371701	California	Los Angeles	92.0	87.6
60372005	California	Los Angeles	84.7	81.5
60376012	California	Los Angeles	98.0	89.2
60379033	California	Los Angeles	87.3	78.8
60390004	California	Madera	80.3	72.2
60392010	California	Madera	82.7	73.3
60430003	California	Mariposa	76.0	72.9
60470003	California	Merced	80.7	71.5
60570005	California	Nevada	86.3	73.9
60595001	California	Orange	75.3	73.5
60610003	California	Placer	85.0	73.2
60650012	California	Riverside	95.3	85.7
60651016	California	Riverside	99.7	89.0
60652002	California	Riverside	82.7	75.2
60655001	California	Riverside	88.7	78.8
60656001	California	Riverside	92.3	82.2
60658001	California	Riverside	96.7	90.0
60658005	California	Riverside	95.0	88.4
60659001	California	Riverside	88.7	79.2
60670012	California	Sacramento	82.3	71.1
60710001	California	San Bernardino	79.0	73.7
60710005	California	San Bernardino	110.3	102.3
60710012	California	San Bernardino	95.0	87.4
60710306	California	San Bernardino	84.0	77.2
60711004	California	San Bernardino	105.7	99.8
60712002	California	San Bernardino	97.7	91.1
60714001	California	San Bernardino	90.3	83.0
60714003	California	San Bernardino	104.0	95.6
60719002	California	San Bernardino	87.3	78.2
60719004	California	San Bernardino	108.7	99.9
60731006	California	San Diego	83.0	76.4
60990005	California	Stanislaus	81.0	73.1

Monitor	State	County	Modeled MDA8 Ozone DV (ppb)	
			Base 2016	Base 2028
60990006	California	Stanislaus	83.7	75.1
61070006	California	Tulare	84.7	75.1
61070009	California	Tulare	89.0	77.1
61072002	California	Tulare	82.7	71.0
61072010	California	Tulare	84.0	72.5
61090005	California	Tuolumne	80.7	72.6
80590011	Colorado	Jefferson	79.3	71.7
90010017	Connecticut	Fairfield	79.3	71.6
90013007	Connecticut	Fairfield	82.0	72.3
90019003	Connecticut	Fairfield	82.7	72.8
482010024	Texas	Harris	79.3	71.9
490353006	Utah	Salt Lake	76.3	71.5
490353013	Utah	Salt Lake	76.5	72.4
490472002	Utah	Uintah	75.0	72.0
490472003	Utah	Uintah	88.0	84.2

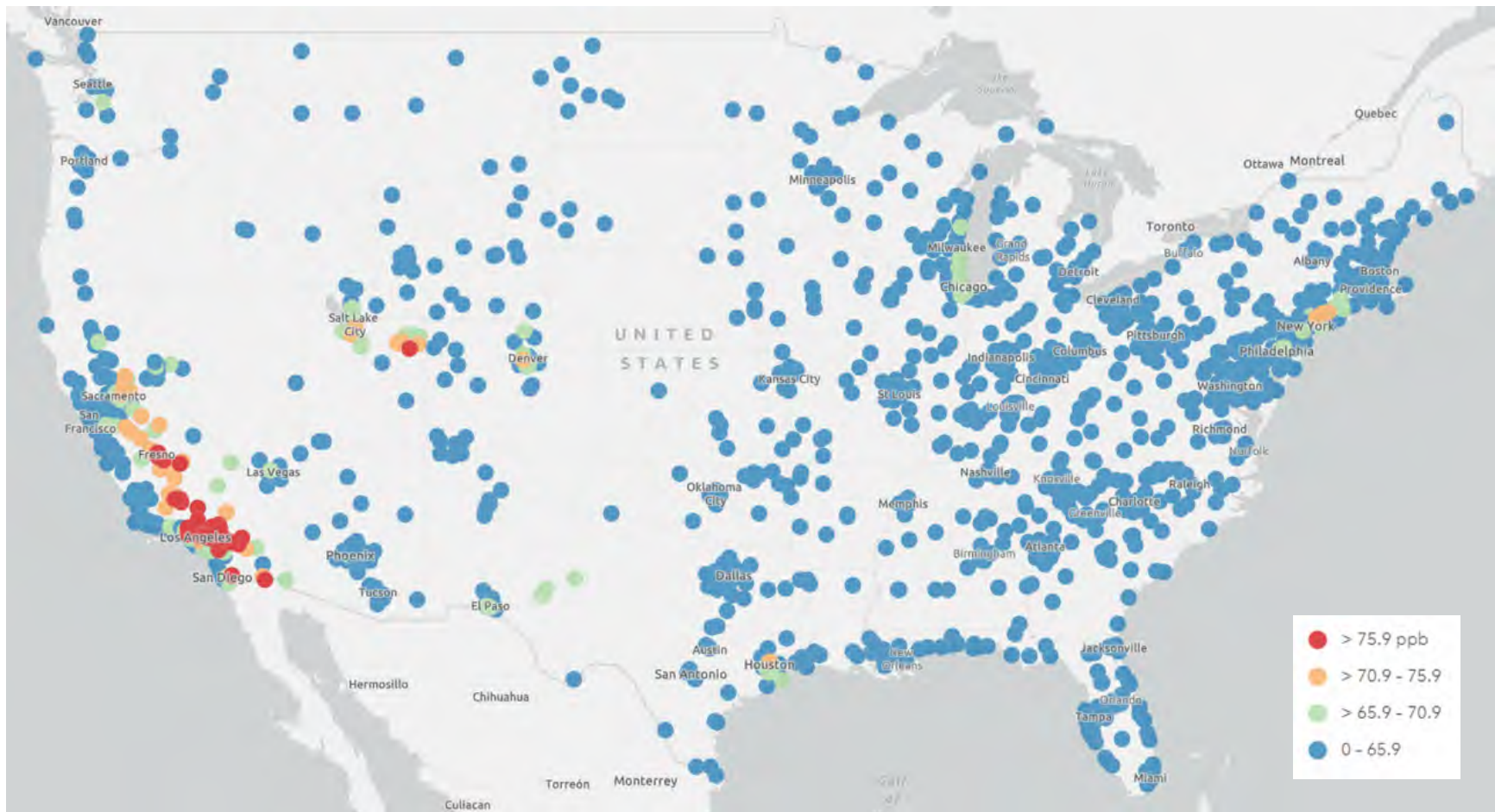


Figure 5. 2028fh Calculated 2028 MDA8 Ozone Design Values (ppb).

4. In addition to the reasons cited by EPA for rejecting a lower NAAQS level, any reduction of the current NAAQS would have a significant adverse impact on the nonattainment status of much of the nation.

In its proposal, EPA notes that based on monitoring data for the period 2016-2018, there were 142 counties where ozone values exceeded the 2015 ozone NAAQS of 70 ppb.¹¹ EPA’s more recent data for the years 2017-2019 indicates that 114 counties are in current nonattainment of the 2015 ozone NAAQS.¹² That is a reduction of 20% in a single year. EPA’s consideration of the health and welfare implications of lowering the ozone NAAQS to as much as 60 ppb¹³ should include consideration of the data presented in Table 3, which indicates that an additional 163 counties (total of 277) would violate a standard of 65 ppb and an additional 449 counties (total of 563) would violate a standard of 60 ppb.

Table 3. State level summaries of counties in nonattainment of various 8-hr ozone NAAQS.

State	# of Counties w/ Monitors (Max 2017-19 DV)			% of Counties w/ Monitors (Max 2017-19 DV)			
	Total	# > 70 ppb	# > 65 ppb	# > 60 ppb	% > 70 ppb	% > 65 ppb	% > 60 ppb
Alabama	13	0	2	8	0%	15%	62%
Alaska	1	0	0	0	0%	0%	0%
Arizona	10	4	9	10	40%	90%	100%
Arkansas	6	0	1	4	0%	17%	67%
California	46	28	30	35	61%	65%	76%
Colorado	13	4	9	12	31%	69%	92%
Connecticut	7	5	7	7	71%	100%	100%
Delaware	3	0	1	3	0%	33%	100%
Florida	33	0	6	28	0%	18%	85%
Georgia	18	1	6	12	6%	33%	67%
Hawaii	1	0	0	0	0%	0%	0%
Idaho	2	0	0	2	0%	0%	100%
Illinois	22	4	15	22	18%	68%	100%
Indiana	28	2	16	28	7%	57%	100%
Iowa	9	0	0	8	0%	0%	89%
Kansas	8	0	0	7	0%	0%	88%
Kentucky	25	1	2	17	4%	8%	68%
Louisiana	17	1	5	16	6%	29%	94%
Maine	9	0	1	4	0%	11%	44%
Maryland	14	5	9	14	36%	64%	100%
Massachusetts	12	1	9	12	8%	75%	100%

¹¹. 85 Federal Register 49830 at 49837 (August 14, 2020).

¹². https://www.epa.gov/sites/production/files/2020-05/o3_designvalues_2017_2019_final_05_26_20.xlsx

¹³. 85 Federal Register 49830 at 49860 (August 14, 2020).

State	# of Counties w/ Monitors (Max 2017-19 DV)				% of Counties w/ Monitors (Max 2017-19 DV)		
	Total	# > 70 ppb	# > 65 ppb	# > 60 ppb	% > 70 ppb	% > 65 ppb	% > 60 ppb
Michigan	22	4	12	21	18%	55%	95%
Minnesota	8	0	0	5	0%	0%	63%
Mississippi	8	0	0	5	0%	0%	63%
Missouri	16	1	5	12	6%	31%	75%
Montana	6	0	0	2	0%	0%	33%
Nebraska	3	0	0	2	0%	0%	67%
Nevada	6	1	6	6	17%	100%	100%
New Hampshire	7	0	0	2	0%	0%	29%
New Jersey	15	6	11	15	40%	73%	100%
New Mexico	9	4	9	9	44%	100%	100%
New York	22	5	9	16	23%	41%	73%
North Carolina	28	0	2	22	0%	7%	79%
North Dakota	8	0	0	2	0%	0%	25%
Ohio	33	5	18	33	15%	55%	100%
Oklahoma	12	0	7	10	0%	58%	83%
Oregon	7	2	3	5	29%	43%	71%
Pennsylvania	35	3	13	28	9%	37%	80%
Rhode Island	3	2	3	3	67%	100%	100%
South Carolina	11	0	1	10	0%	9%	91%
South Dakota	6	0	3	5	0%	50%	83%
Tennessee	14	0	2	12	0%	14%	86%
Texas	30	11	21	28	37%	70%	93%
Utah	10	6	9	10	60%	90%	100%
Vermont	2	0	0	1	0%	0%	50%
Virginia	22	0	2	10	0%	9%	45%
Wash DC	1	1	1	1	100%	100%	100%
Washington	7	1	1	4	14%	14%	57%
West Virginia	8	0	0	3	0%	0%	38%
Wisconsin	25	5	8	21	20%	32%	84%
Wyoming	12	1	3	11	8%	25%	92%
Total	693	114	277	563	16%	40%	81%

This increase in the number of counties impacted by lowering the level of the NAAQS is also represented in Figures 6, 7 and 8 below for levels of 70 ppb, 65 ppb and 60 ppb respectively.

Figure 6. Counties exceeding 70 ppb using 2017-2019 ozone design values.

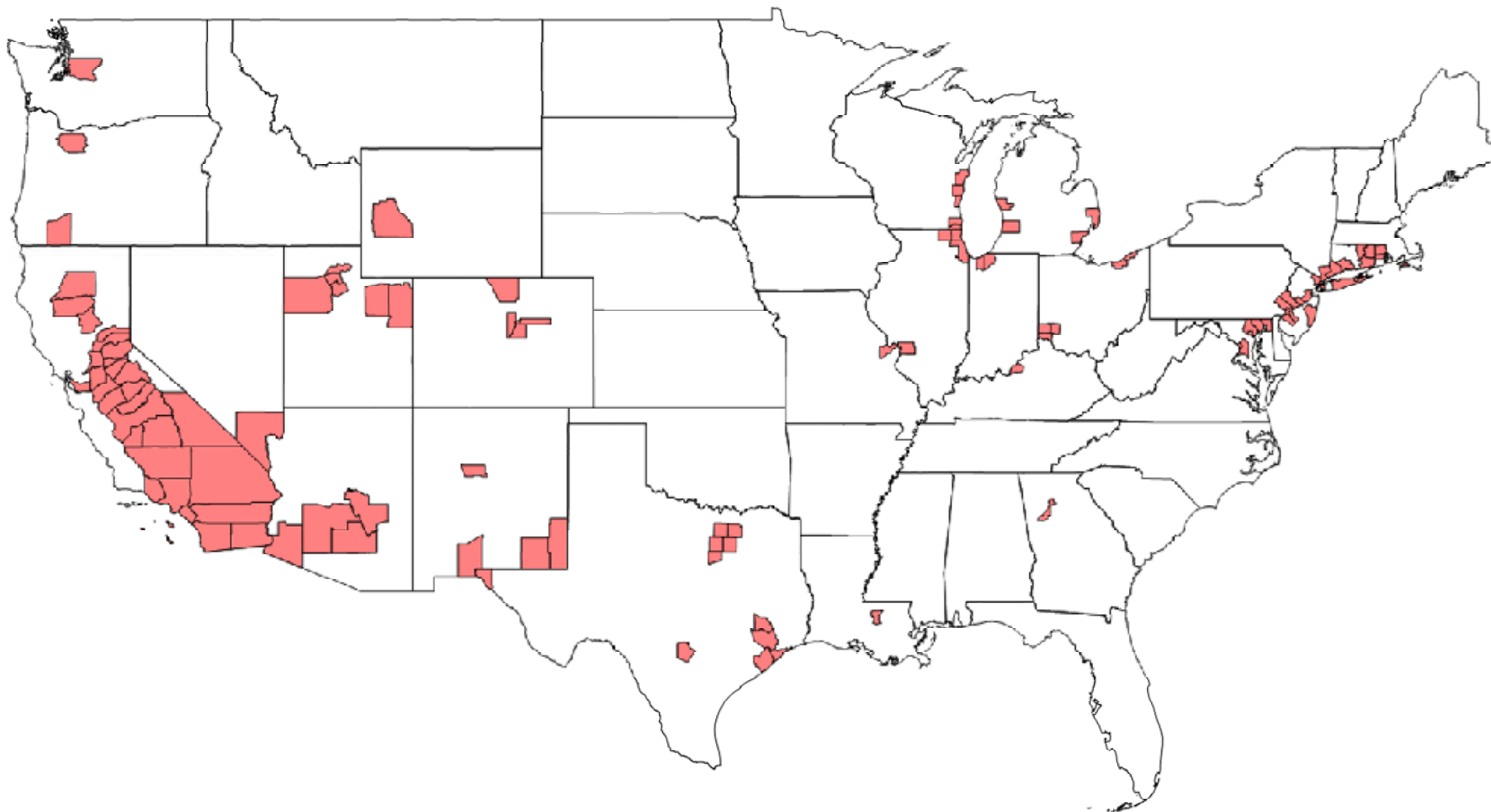


Figure 7. Counties exceeding 65 ppb using 2017-2019 ozone design values.

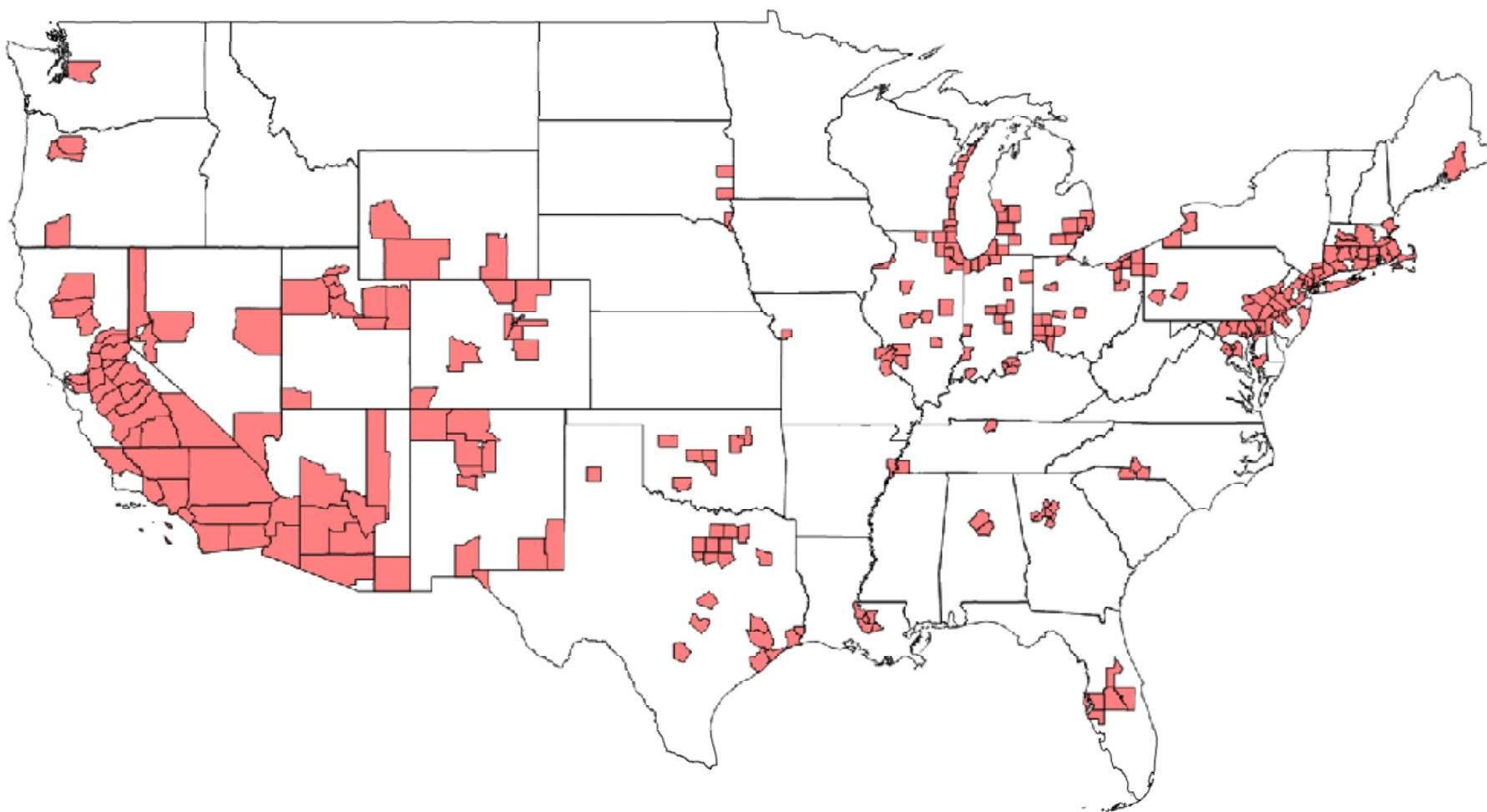
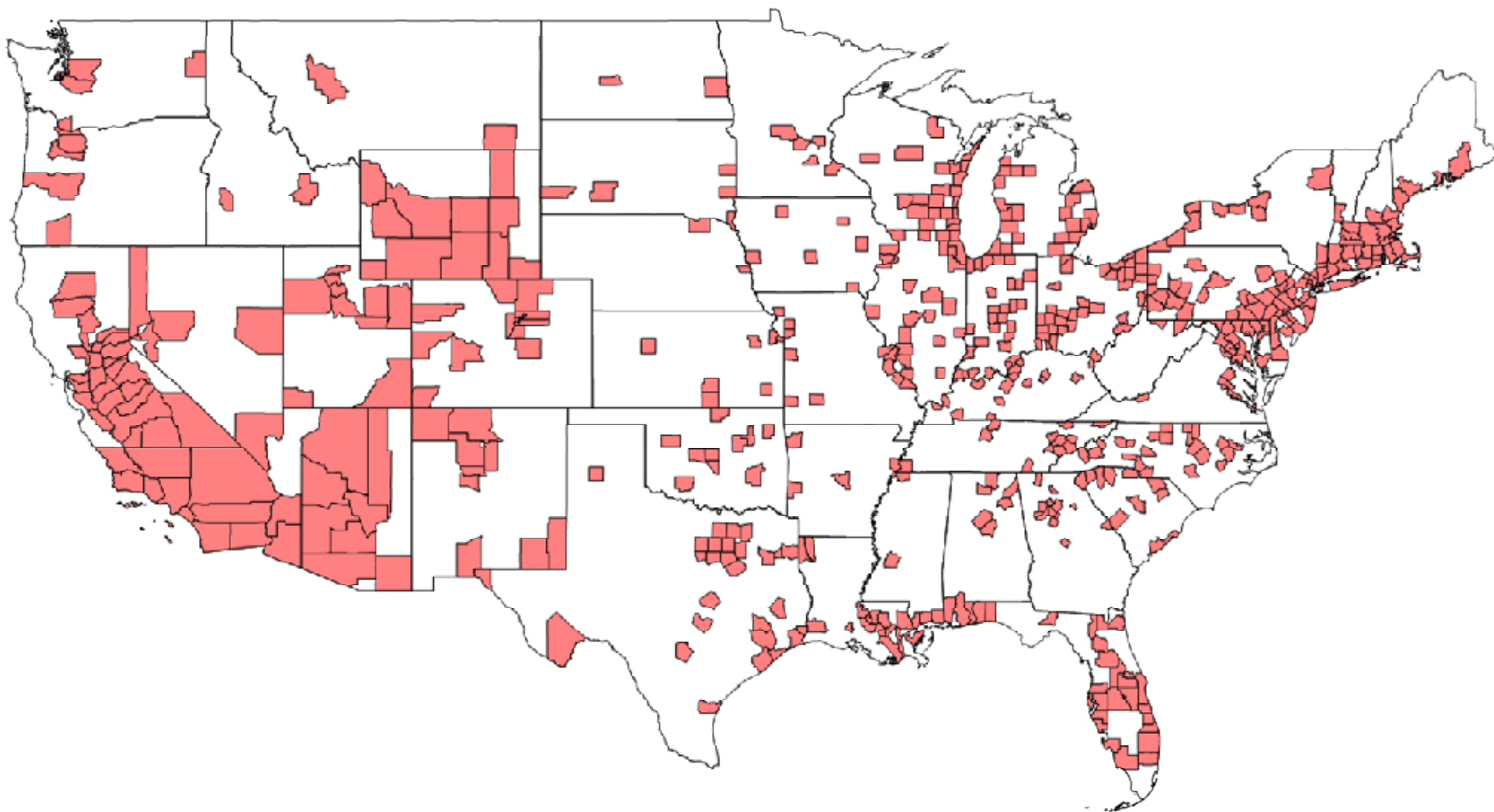


Figure 8. Counties exceeding 60 ppb using 2017-2019 ozone design values.



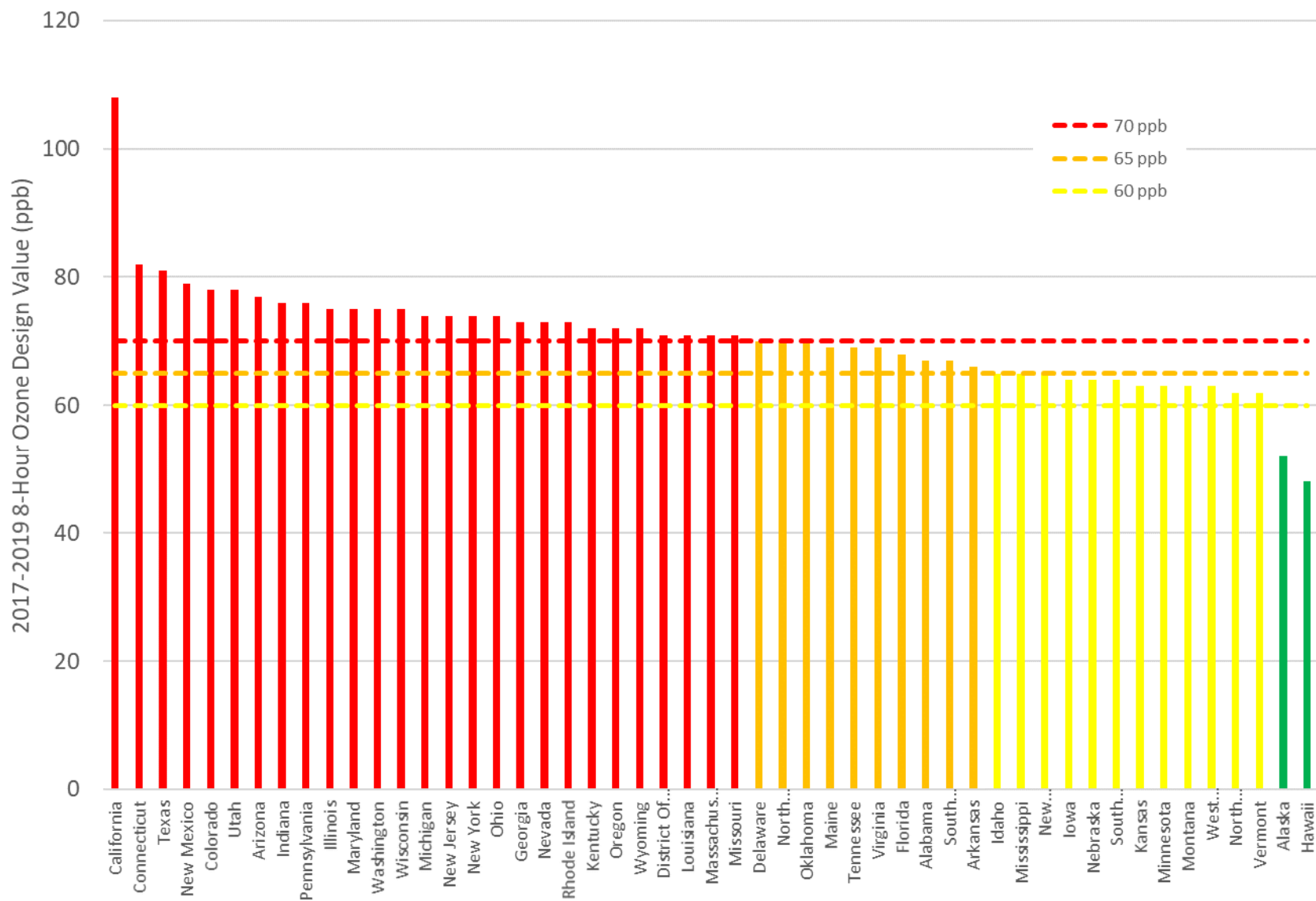
In addition, the single maximum design value monitor within each state is set forth in Table 4 and Figure 9 and indicates that twenty-six states and the District of Columbia (53%) have maximum ozone design values greater than the current level of the standard (70 ppb). An additional ten states (73%) exceed a 65 ppb threshold, and twelve more (96%) states exceed 60 ppb, leaving only Alaska and Hawaii with maximum monitor design values currently below 60 ppb using current 2017-2019 design values. This represents a significant additional burden on states to develop and implement maintenance programs for the majority of areas across the country if a lower standard is selected.

Table 4. State Maximum Monitor – 2017-19 8-hr Ozone Design Values (ppb).

State	County	Site ID	8-hr Ozone Design Value (ppb) 2017-2019
Alabama	Jefferson	10731003	67
Alaska	Denali	20680003	52
Arizona	Maricopa	40131003	77
Arkansas	Crittenden	50350005	66
California	San Bernardino	60710005	108
Colorado	Douglas	80350004	78
Connecticut	Fairfield	90013007	82
Delaware	New Castle	100031013	70
District Of Columbia	District of Columbia	110010043	71
Florida	Hillsborough	120570081	68
Georgia	Fulton	131210055	73
Hawaii	Honolulu	150031004	48
Idaho	Ada	160010010	65
Illinois	Cook	170310001	75
Indiana	LaPorte	180910005	76
Iowa	Harrison	190850007	64
Kansas	Sedgwick	201730010	63
Kentucky	Jefferson	211110067	72
Louisiana	East Baton Rouge	220330009	71
Maine	Hancock	230090102	69
Maryland	Harford	240251001	75
Massachusetts	Dukes	250070001	71
Michigan	Muskegon	261210039	74
Minnesota	Anoka	270031002	63
Mississippi	DeSoto	280330002	65
Missouri	Saint Charles	291831002	71
Montana	Powder River	300750001	63
Nebraska	Douglas	310550019	64
Nevada	Clark	320030071	73
New Hampshire	Rockingham	330150016	65
New Jersey	Bergen	340030006	74

State	County	Site ID	8-hr Ozone Design Value (ppb) 2017-2019
New Mexico	Eddy	350151005	79
New York	Queens	360810124	74
North Carolina	Mecklenburg	371190041	70
North Dakota	Cass	380171004	62
Ohio	Hamilton	390610006	74
Oklahoma	Canadian	400170101	70
Oregon	Clackamas	410050004	72
Pennsylvania	Bucks	420170012	76
Rhode Island	Providence	440071010	73
South Carolina	Spartanburg	450830009	64
South Dakota	Brookings	460110003	67
Tennessee	Shelby	471570075	69
Texas	Harris	482010024	81
Utah	Duchesne	490130002	78
Vermont	Bennington	500030004	62
Virginia	Arlington	510130020	69
Washington	King	530330023	75
West Virginia	Ohio	540690010	63
Wisconsin	Kenosha	550590019	75
Wyoming	Sublette	560350099	72

Figure 9. State Maximum Monitor - Projected 8-hr Ozone Design Values (Descending Design Value Sorted).



As seen from these maps and data, any reduction of the ozone NAAQS would significantly expand both nonattainment and maintenance areas and raise significant concerns about the possibility of imposing additional controls on sources within those areas without a sound basis that such actions are necessary to protect public health and welfare..

5. In areas with remaining nonattainment, the most significant contributors are local sources and mobile sources.

EPA addressed the cause of remaining air quality concerns in at least the Northeast and has concluded that the cause is related to local sources within the problem areas. This study was reflected in a presentation by Norm Possiel of USEPA OAQPS dated May 14, 2018, attached and identified as Exhibit B and can be found here: http://www.midwestozonegroup.com/files/2018-05-14_EPA_OAQPS_-_Analysis_of_O3_Trends_in_the_East_in_Relation_to_Interstate_Transport.pdf. Principal among the conclusions reached in the study are the following points:

(1) From an Eastern US perspective, the current ozone levels appear to be more of a “local” problem (i.e., home state and adjacent neighboring states) compared to the larger regional ozone problem for (sic) that was evident back in 2010-2012;

(2) The magnitude of net ozone available for transport into the NE Corridor and the Lake Michigan area from more distant upwind states appears to have declined by 5 to 10 ppb based on 2010-2012 vs 2015-2017 avg ranked ozone values;

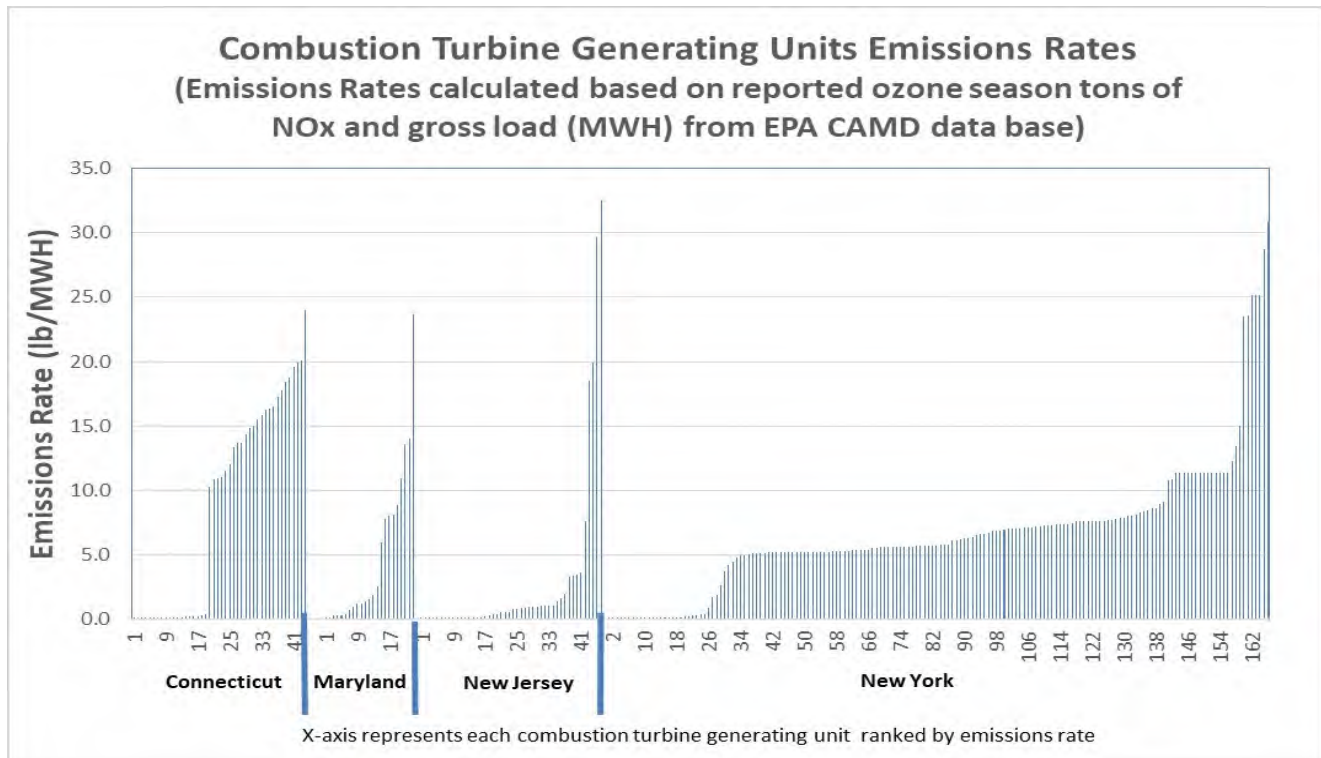
(3) Ozone levels have also declined substantially at the traditionally high ozone sites in the southern and central portions of the NE Corridor and at the traditionally high ozone sites along Lake Michigan.

In addressing possible causes for high ozone at Sites in the Northeast, the EPA study identified various source sectors within the Northeast Corridor including the following:

- The NYC area has higher mobile source emissions than other parts of the OTR, (onroad and non-road sources).
- A unique mix of local (Tri-State area) contributions from other sources such as EGU, non-EGU point, nonpoint, and commercial marine.
- “Behind the meter” generation (diesel generators that are not controlled and not in the emissions inventory that operate on hot summer days).
- Peaking units (HEDD) within the OTR that may operate on mostly high ozone days.

Additionally, OTC research of air quality impacts of emissions from local sources emphasizes the need to focus upon nearby sources as part of implementation of the current ozone standards. The September 21, 2018 report of the OTC Stationary and Area Source Committee (attached and identified as Exhibit C and can also be found here: http://www.midwestozonegroup.com/files/MOG_OTC_SAS_Public_09212018.pdf) identified many emission units of concern in New York which are in need of controls to reduce their impact on ozone air quality concentrations. Data taken from this report has been incorporated into the following chart

demonstrating that states within the OTC and specifically New York, New Jersey, Connecticut and Maryland have a significant reliance on the use of simple cycle combustion turbines with very high emissions rates.



Significantly, the September 18, 2018 OTC report reached the following conclusions:

- simple cycle turbines operate on high ozone days;
- control of NOx or replacement of old units is cost effective based on ozone day benefit;
- there are 200 simple cycle units in OTR with very high NOx emissions – approximately 10 times most boiler NOx rates and greater than 100 times most combined cycle NOx rates;
- simple cycle units significantly increase and can dominate EGU NOx emissions on high ozone days.

Shortly following the issuance of the OTC report, the New York State Department of Environmental Conservation proposed 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines." According to the proposal, the lower emissions from these sources will help to address CAA requirements, ozone nonattainment, and protect the health of New York State residents. As part of the justification for the rule the following statement was offered:

“Older SCCTs have adverse impacts on NYMA air quality and make it difficult, if not impossible, for New York to meet air quality goals and CAA requirements. SCCTs are generally located in communities of low to moderate income that are populated predominantly by people of color. The emissions generated by SCCTs can have both regional (ozone) and local nitrogen dioxide impacts. These older sources emit significantly more NO_x than new, efficient modern SCCTs. The emissions from these units typically occur during high ozone days and are concentrated in the NYMA which, as described above, does not attain the 2008 or 2015 ozone NAAQS.”

Mobile sources also present a significant impact on air quality as illustrated by the following Figures 10 through 14 for various monitors and areas in the East. EPA recently conducted Anthropogenic Precursor Culpability Assessment (APCA) source apportionment modeling using a recent 2016 modeling platform¹⁴. These results provide ozone precursor emissions, by source sector, and their relative contribution to modeled ozone concentrations at individual receptors.

90013007: Fairfield, Connecticut - 2016 Centered Ozone DV = 83 ppb

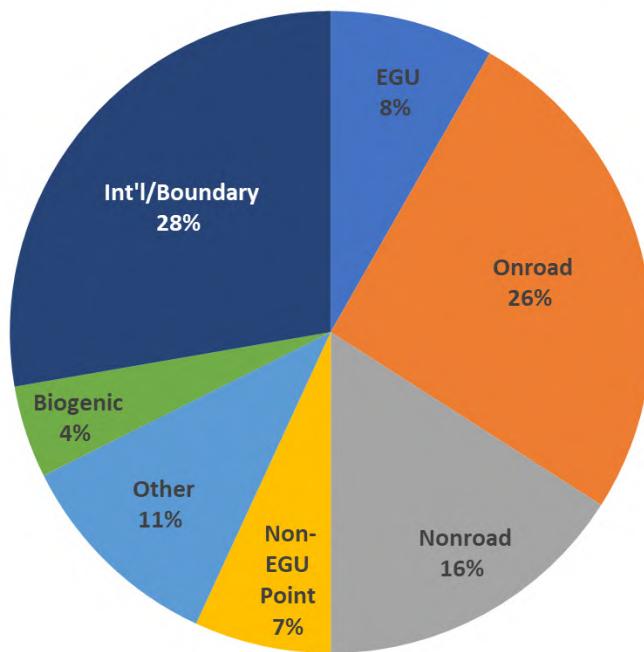


Figure 10. Relative contribution of modeled ozone concentration by major source category to Fairfield, Connecticut monitor.

¹⁴ EPA/OAQPS/AQAD – 2016ff Modeling Platform, APCA Source Apportionment Simulation.” Data obtained by Alpine Geophysics, LLC in personal communication with EPA/OAQPS/AQAD staff.

420170012: Bucks, Pennsylvania - 2016 Centered Ozone DV = 80 ppb

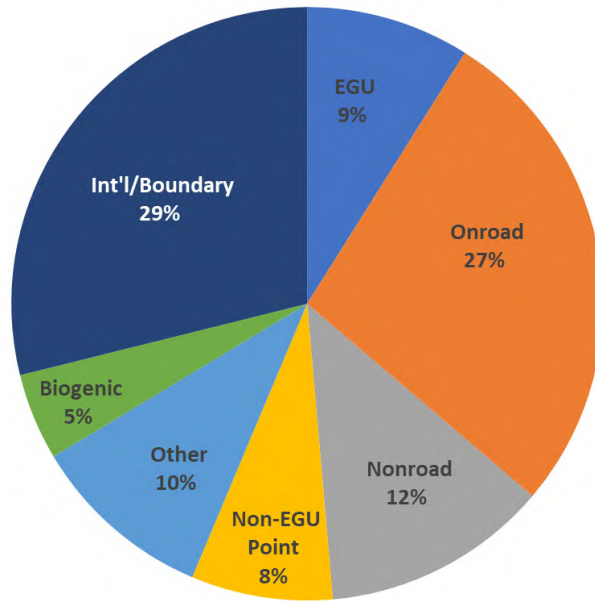


Figure 11. Relative contribution of modeled ozone concentration by major source category to Bucks, Pennsylvania monitor.

240251001: Harford, Maryland - 2016 Centered Ozone DV = 75 ppb

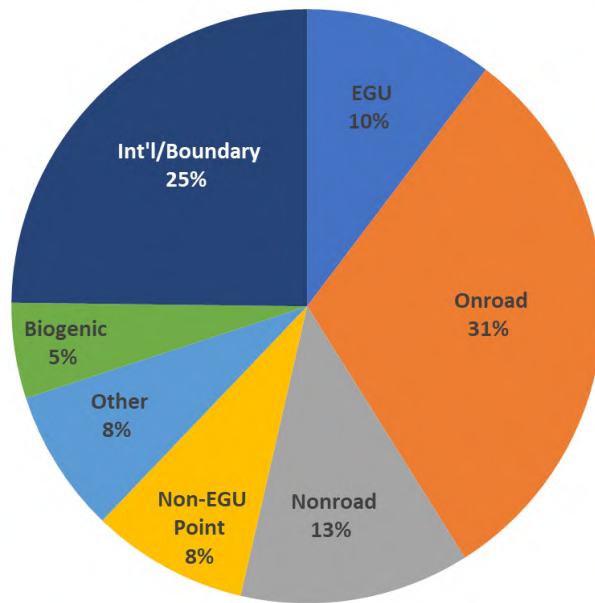


Figure 12. Relative contribution of modeled ozone concentration by major source category to Harford, Maryland monitor.

170310001: Cook, Illinois - 2016 Centered Ozone DV = 73 ppb

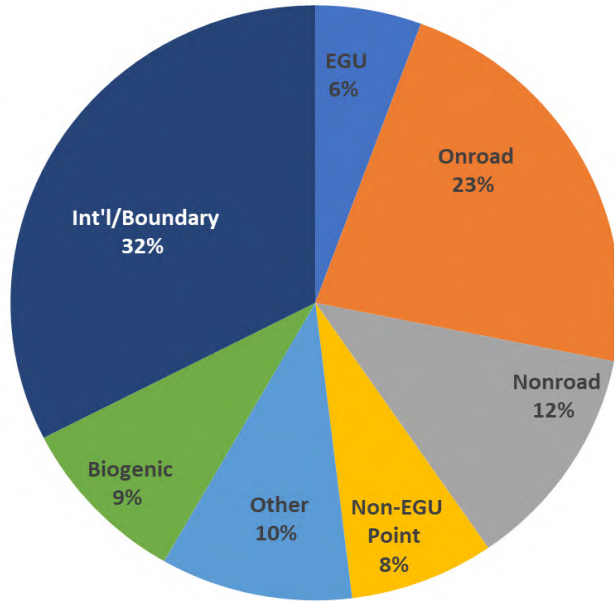


Figure 13. Relative contribution of modeled ozone concentration by major source category to Cook, Illinois monitor.

550590019: Kenosha, Wisconsin - 2016 Centered Ozone DV = 78 ppb

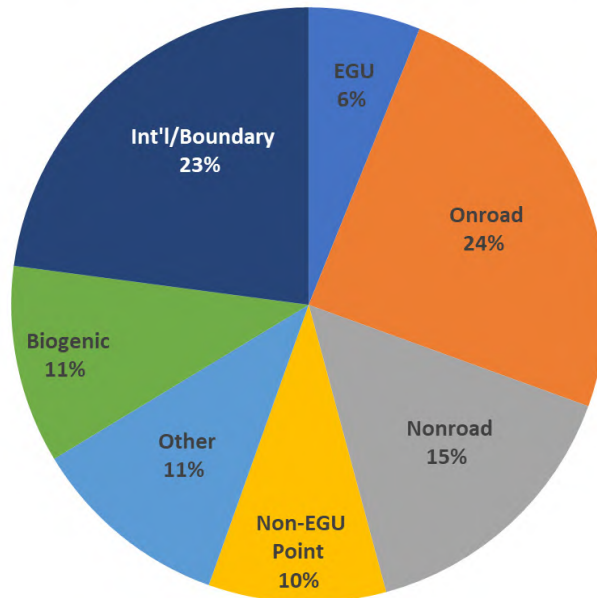


Figure 14. Relative contribution of modeled ozone concentration by major source category to Kenosha, Wisconsin monitor.

Accordingly, any change in the ozone NAAQS would implicate local and mobile sources above all others.

6. Additional processes underway will continue to improve air quality, as well as deal with transport issues

In addition to the local control initiatives mentioned above, there are several other initiatives that are on-the-way and will continue the process of reducing ozone precursors and improving ozone air quality.

Significant among these initiatives is the remand of the CSAPR Update rule which obligates EPA to finalize by March 2021 a final federal plan to fully address the Good Neighbor obligations of states that significantly contribute to downwind 2008 ozone NAAQS nonattainment areas or interfere with downwind 2008 ozone NAAQS maintenance areas.¹⁵

EPA is also undertaking several initiatives in program commitments that will result in emission reductions impacting both the 2008 and 2015 NAAQS including the Cleaner Truck Initiative. The Cleaner Truck Initiative (CTI) was the subject of an Advanced Notice for Proposed Rulemaking signed January 6, 2020. The CTI would significantly improve ozone air quality in remaining nonattainment and maintenance areas over the next several years. (85 Fed. Reg. 3306). As Administrator Wheeler stated in his January 16, 2019 response to questions from the U.S. Committee on Environment and Public Works:

EPA expects that heavy-duty trucks will be responsible for one-third of NO_x emissions from transportation in 2025. Updating these standards will result in NO_x reductions from mobile sources and could be one important way that allows areas across the U.S. to meet National Ambient Air Quality Standards for ozone and particulate matter. Updating the standards will also offer opportunities to reduce regulatory burden through smarter program design.

MOG has undertaken air quality modeling that directly assesses how the implementation of a CTI 90% NO_x emission reduction scenario is likely to improve air quality in the continental United States. A copy of the Technical Support Document related to that work is attached and identified as Exhibit D and can be found here: http://www.midwestozonegroup.com/files/Alpine_Geophysics_-_CTI_Scenario_Modeling_TSD_-_June_2020.pdf. MOG's CTI modeling demonstrates that implementation of the CTI with 90% NO_x emission reduction from heavy duty trucks will allow all air quality monitors east of the Rockies to attain and maintain the 70 ppb 2015 ozone NAAQS. Figure 15 below illustrates that the modeled 2028 base year 8-hour ozone design values were found to be above the 70 ppb NAAQS only in the states of California, Utah, Colorado, Texas and Connecticut.

¹⁵ *NAAQS and Regional Haze Implementation Updates* – Scott Mathias, Director, Air Quality Policy Division, U.S. EPA Office of Air Quality Planning & Standards, https://cleanairact.org/wp-content/uploads/2020/09/Mathias_AAPCA_Fall-2020_NAAQS_RH_Implementation_Updates_9-8-20-FINAL.pdf.

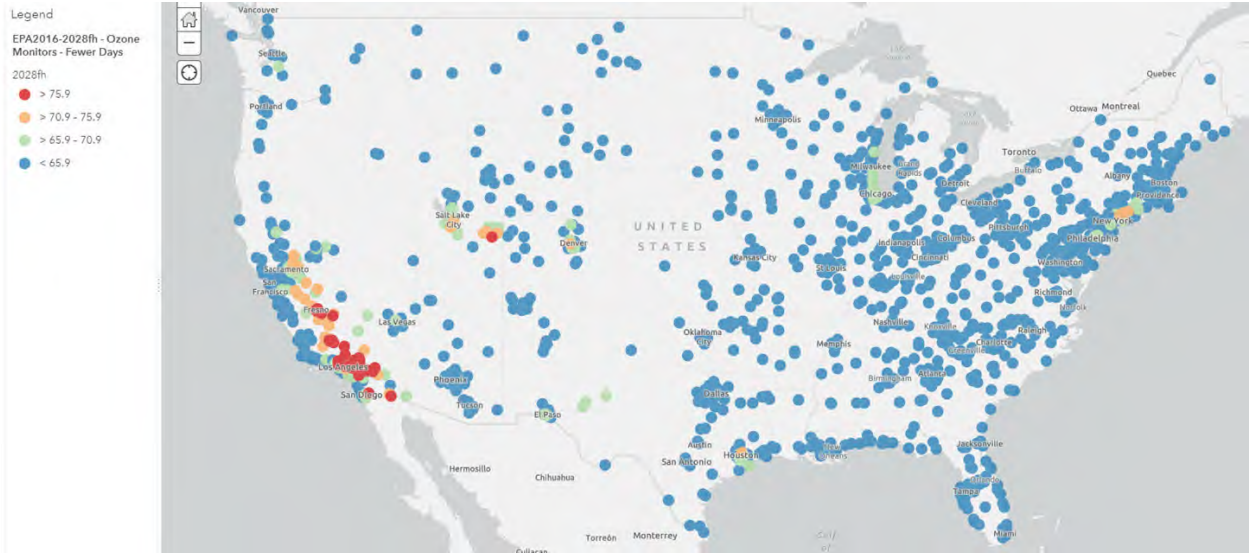


Figure 15. 2028 Base Case – Ozone Design Values (ppb)

As shown in Figure 16, applying the 90% NO_x emission reduction CTI scenario to the 2028 base year eliminates ozone nonattainment everywhere east of the Rockies and in Denver and leaves only the states of California and Utah with 70 ppb 2015 ozone NAAQS nonattainment areas. Multiple monitors in California and in Salt Lake County, Utah also show modeled attainment with the CTI strategy.

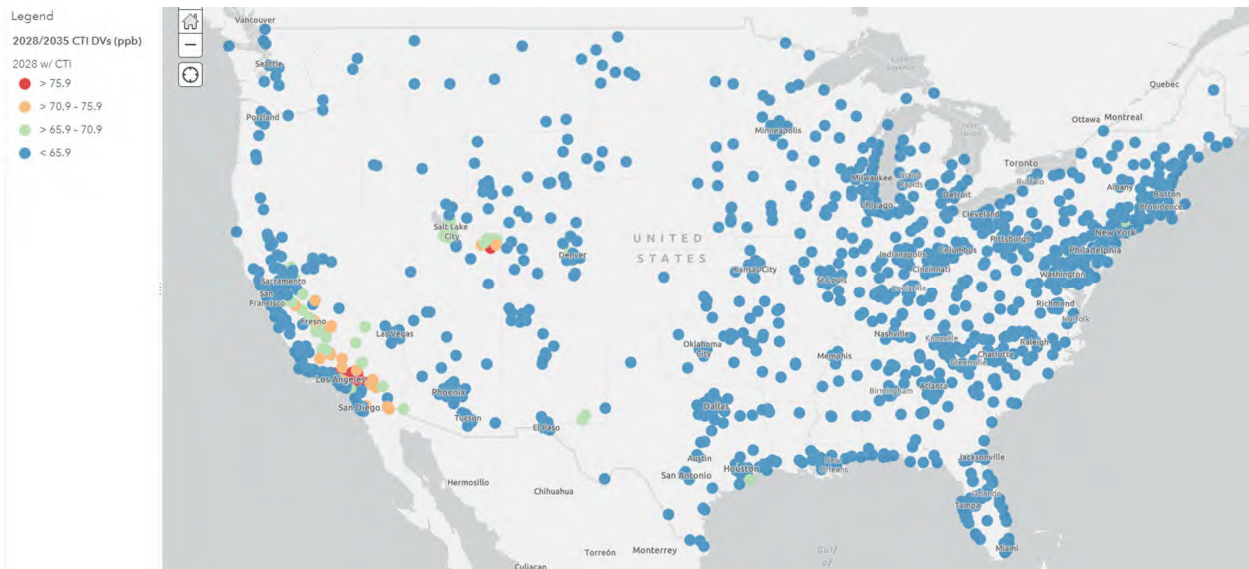


Figure 16. Calculated MDA8 Ozone Design Values (ppb) resulting from CTI strategy run.

As shown in Figure 17, the greatest ozone impact of the strategy is seen in urban areas and along highway corridors with reductions of up to 6.5 ppb seen in the west (San Bernardino) and 4.9 ppb seen in the east (Atlanta).

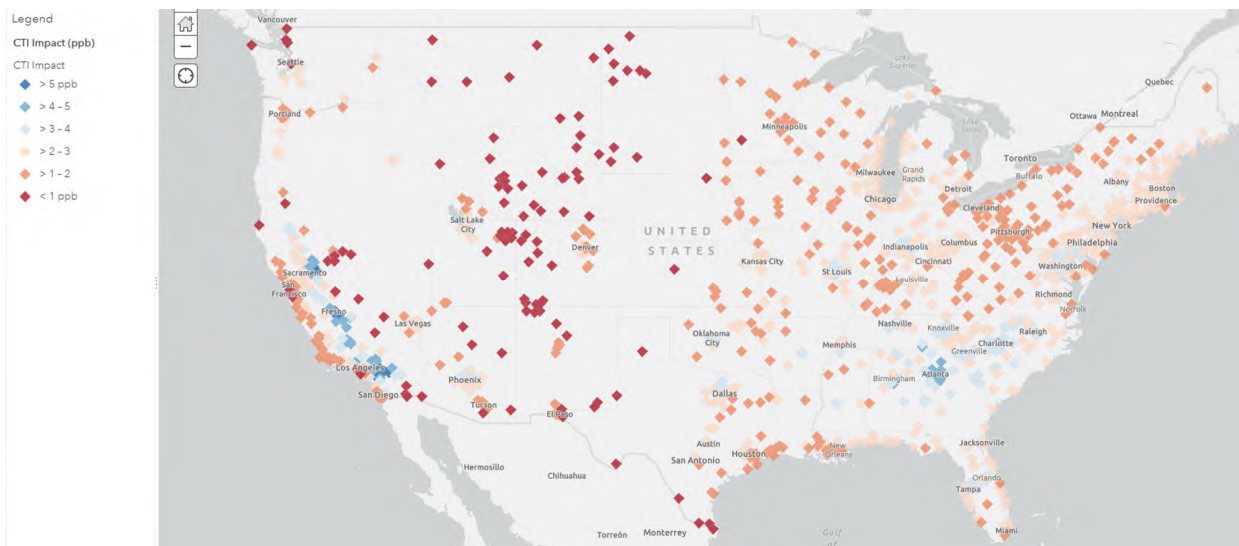


Figure 17. Calculated change in Ozone Design Values (ppb) resulting from proposed CTI strategy run.

These initiatives are a further indication of the additional processes underway that will continue to improve ozone air quality and address transport issues.

7. International transport is a significant factor in ozone concentration.

International transport has been correctly identified in the proposal as a significant factor in ozone concentrations¹⁶ that are more than enough to cause monitored data to exceed the current NAAQS.

In the proposal, EPA clarifies that U.S. Background (“USB”) includes natural and non-U.S. anthropogenic sources. It is noted in the proposal that findings from modeling analyses performed for this review to investigate patterns of USB are largely consistent with conclusions reached in the last review. The current modeling analysis indicates spatial variation in USB O₃ that is related to geography, topography, proximity to international borders and is also influenced by seasonal variation, with long-range international anthropogenic transport contributions peaking in the spring while US anthropogenic contributions tend to peak in summer. *Id.* at 49838.

EPA’s 2018 Tsirogotis memorandum¹⁷ on the development of Good Neighbor SIPs related to the 2015 ozone standard recognized the role of international emissions and specifically directed states to consider whether the air quality, cost or emission reduction factors should be weighted

¹⁶ 85 Federal Register 49830 at 49837 (August 14, 2020); Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, p. 2-36.

¹⁷ http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf

differently in areas where international contributions are relatively high.

In addition, MOG submitted comments on March 10, 2020 to EPA's CAA Section 179B Guidance, supporting the need to facilitate 179B demonstrations for nonattainment areas affected by international transport of emissions. Those comments are attached and identified as Exhibit E and can be found here: http://www.midwestozonegroup.com/files/Midwest_Ozone_Group_Comments_to_Draft_CAA_179B_Guidance_Docket_ID_No._EPA-HQ-OAR-2019-0668_11002280.1_.pdf.

As air quality improvements continue to occur as the result of steadily reducing domestic emissions of ozone precursors, the role and relative importance of international transport becomes a matter of increasing significance. International emissions are a significant contributor to ambient air quality in the US including ozone monitors that continue to fail to meet attainment and maintenance requirements of the Clean Air Act with respect to the ozone NAAQS.

As EPA proceeds to finalize its proposal to retain the current ozone NAAQS, we urge that it give additional recognition to the impact of international emissions on ozone air quality, and the inability of states to affect these contributors.

8. Exceptional events are also a major factor in contributing to nonattainment of the current NAAQS.

EPA's 2018 Tsirogotis memorandum¹⁸ on the development of Good Neighbor SIPs related to the 2015 ozone standard that is proposed for retention, provides a discussion of exceptional events and the importance of downwind states seeking available regulatory relief before turning to upwind states. Consideration of exceptional events allows certain monitoring data impacted by exceptional events to be removed from inclusion in the determination of design values related to determining compliance with the NAAQS.

A number of states have already made requests to have the air masses caused by the Canadian wildfires that occurred in 2016 be declared Exceptional Events – thus allowing monitored data influenced by those events to be excluded from the calculation of the design value for the affected monitor. Among the states submitting these requests are the following:

Connecticut - The Connecticut demonstration related to the May 2016 event was submitted on May 23, 2017.¹⁹ In addition to showing that Canadian wildfire caused the event, the demonstration noted that “. . . the exceedances of May 25-26th cannot be attributed to EGUs operating on high electric demand days as is more typically the case later in the ozone season.” EPA concurred in that demonstration on July 31, 2017.

New Jersey - The New Jersey demonstration related to the May 2016 event was

¹⁸ http://www.midwestozonegroup.com/files/transport_memo_03_27_18_1.pdf.

¹⁹ <https://www.epa.gov/air-quality-analysis/exceptional-events-documents-ozone-connecticut>

submitted on May 31, 2017.²⁰ In addition to showing that Canadian wildfire caused the exceedance in New Jersey, the demonstration also noted that the event had had a similar impact on many other states including Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania and New York. EPA concurred in that demonstration on October 24, 2017.

Massachusetts - The Massachusetts demonstration related to the May 2016 event was submitted on May 25, 2017.²¹ EPA concurred in that demonstration on September 19, 2017.

Maryland – While the Maryland demonstration dated May 26, 2017, nominally addresses July 2016 event, the demonstration report itself includes data which assesses how the design values for Maryland’s monitors are affected by both the May and July 2016 events.²² EPA responded by letter on December 26, 2017, concurring with Maryland on 17 monitor days, deferring action on 16 monitor days, and non-concurring on 10 monitor days.²³

Pennsylvania – Pennsylvania has also made a demonstration related to the May 2016 event dated November 2017.²⁴ By letter on March 6, 2018, EPA concurred with Pennsylvania on 8 monitor days, defers action on 41 monitor days, and non-concurs on 78 monitor days.²⁵

Significantly, the state of New York elected not to seek relief from these exceptional events and caused its nonattainment status to be based on a higher design value than was justified. To determine the magnitude of this decision, MOG analyzed the 2016 design values of all the monitors in New York to determine the impact on design values after data collected during these 2016 Exceptional Events are excluded.

To illustrate the process used to assess these monitors, MOG offers Figure 18 related to the Suffolk (361030002) and Richmond (360850067) monitors in New York. In the case of each monitor MOG has graphically identified the 10 highest ozone concentrations that occurred in 2016 and have highlighted in red those readings that occurred on dates impacted by the May 2016 and July 2016 Canadian wildfire events. This figure demonstrates the significance of the exclusion of those data points affected by the two Exceptional Events identified.

²⁰ <https://www.epa.gov/air-quality-analysis/exceptional-events-documents-ozone-new-jersey>

²¹ <https://www.epa.gov/air-quality-analysis/exceptional-events-documents-ozone-massachusetts>

²² https://mde.state.md.us/programs/Air/AirQualityMonitoring/Documents/MDE_JUL_21_22_2016_EE_demo.pdf.

²³ EPA Response Letter to MDE, December 26, 2017, available at https://www.epa.gov/sites/production/files/2018-07/documents/epa_response_mde_exceptional_events_package_12-26-17.pdf

²⁴ <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-117484/Ozone%20EE%20Analysis%20May%2024-26-2017.pdf>

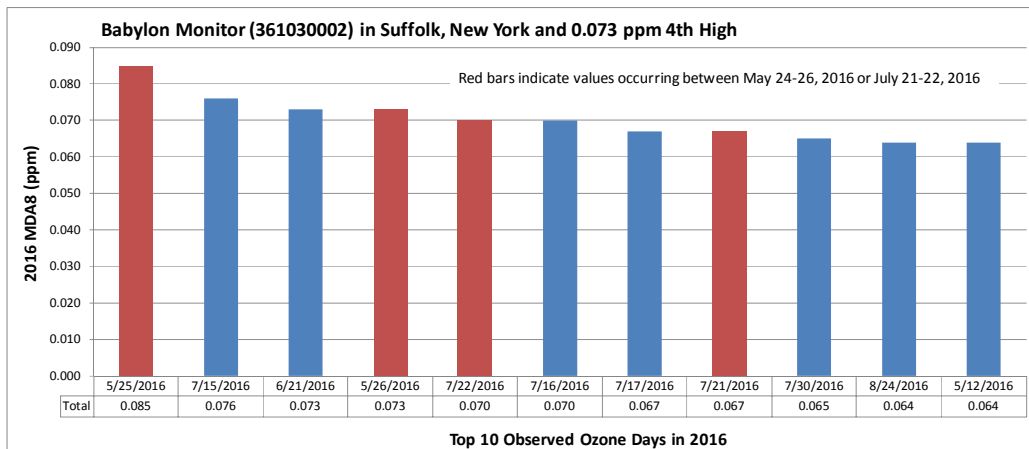
²⁵ See, EPA PADEP approval letter March 6, 2018 available at https://www.epa.gov/sites/production/files/2018-08/documents/epa_padep_approval_ltr_030618.pdf.

Suffolk, New York
AQS_SITE_ID 361030002

Date	MDA8 (ppm)
5/25/2016	0.085
7/15/2016	0.076
6/21/2016	0.073
5/26/2016	0.073
7/22/2016	0.070
7/16/2016	0.070
7/17/2016	0.067
7/21/2016	0.067
7/30/2016	0.065
8/24/2016	0.064
5/12/2016	0.064

Ozone	
Value	MDA8 (ppb)
2016 4th (fire)	73
2016 4th (no fire)	67

2014-16 DV (fire)	72
2014-16 DV (no fire)	70



Richmond, New York
AQS_SITE_ID 360850067

Date	MDA8 (ppm)
5/25/2016	0.086
7/22/2016	0.081
5/26/2016	0.078
7/21/2016	0.077
7/6/2016	0.075
5/28/2016	0.074
7/29/2016	0.073
7/28/2016	0.071
6/11/2016	0.071
7/15/2016	0.071

Ozone	
Value	MDA8 (ppb)
2016 4th (fire)	77
2016 4th (no fire)	71

2014-16 DV (fire)	76
2014-16 DV (no fire)	74

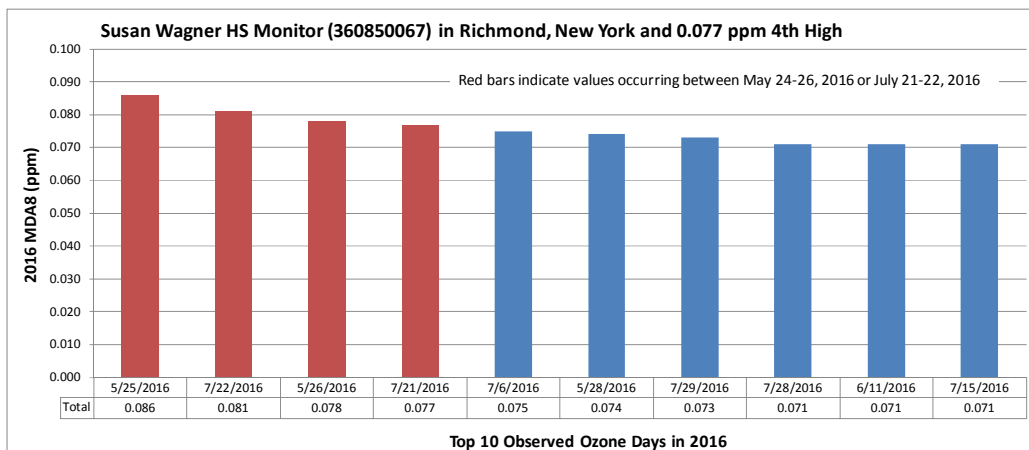


Figure 18. Wildfire smoke-impacted design value days at New York monitors.

MOG therefore urges EPA to encourage states to invoke the exceptional event rules to assure that the appropriate design values are used to determine ozone NAAQS attainment and to assure that related programs are properly developed, thereby avoiding overcontrol of sources that are not impacting the design values.

9. Any decision to lower the ozone NAAQS at this time would be premature.

Any decision to lower the ozone NAAQS at this time would be premature because efforts are still unfolding before the states, EPA and the courts to implement both the 2008 and 2015 ozone NAAQS. The status of implementation of the 2008 and 2015 ozone NAAQS continues to evolve in response to ongoing SIP development and litigation. The result of this ongoing effort, on the other hand, is that air quality continues to improve across the nation as on the books and new measures are being implemented to meet the 2008 and 2015 NAAQS.

In its September 13, 2019 decision in *Wisconsin v. EPA* (938 F.3d 303 (D.C. Cir 2019)), the court, while generally upholding the CSAPR update, determined that the CSAPR update addressing

the 2008 ozone NAAQS was deficient because it failed to align Good Neighbor obligations with the next ozone “attainment date.” The court upheld EPA’s assessment of “Selective Catalytic Reduction” (SCR) controls when it allowed units equipped with SCR to operate under a trading program. The court, however, remanded the CSAPR Update Rule because it only addressed “EGUs” and not “non-EGUs”. The CSAPR update remains in place while EPA addresses the issues raised in the remand decision.

In *Maryland v. EPA*, the court’s May 19, 2020 decision upheld EPA’s denial of the Maryland and Delaware Section 126 petitions (concerning 2008 and 2015 ozone NAAQS attainment and significant contribution). The court remanded EPA’s denial of the Maryland petition to require EPA to address non-catalytic controls.

In *NJ v. EPA*, pending before the U.S. District Court for the Southern District of New York, petitioners including seven states asserted that EPA failed to issue federal plans addressing the 2008 ozone NAAQS within the timelines provided in the Clean Air Act. They further assert EPA cannot rely on its prior actions, since both the 2016 CSAPR Update rule and the 2018 CSAPR Close-out rules have been faulted by the D.C. Court of Appeals in the *Wisconsin* decision as discussed above. Case No. 1:20-cv-01425-JGK. On June 5, 2020, USEPA responded to the litigation with the filing of a declaration of Anne Idsal, Principal Deputy Assistant Administrator for EPA’s Office of Air and Radiation. In that declaration Idsal set forth EPA’s path forward to respond to the remand of the CSAPR Update, which will involve administrative public notice and comment on a new transport rule to implement the 2008 ozone NAAQS.

In addition to its assessment of appropriate health and welfare data, EPA should recognize that significant effort is currently being undertaken to implement the 2008 and 2015 ozone NAAQS and that it would be premature to change the ozone NAAQS while the prior standards are still being implemented.

10. Conclusion.

MOG appreciates the opportunity to comment on this proposal and urges EPA to retain the current ozone NAAQS without revision based on the discussion contained in these comments that demonstrate the administrative record for this proposal supports the conclusion the current primary and secondary standards are protective of public health and welfare with an adequate margin of safety.