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Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
Cleveland Redesignation Comments
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Re: Redesignation Request and Maintenance Plan for the
Cleveland, Ohio 2015 8-hour Ozone Nonattainment Area

Director Hodanbosi:

The Midwest Ozone Group¹ ("MOG") is pleased to offer these comments² regarding the Redesignation Request and Maintenance Plan for the Cleveland, Ohio 2015 8-hour Ozone Nonattainment Area ("Redesignation Request") that was issued by the Ohio Environmental Protection Agency ("OEPA") and made available for public comments. We appreciate the working relationship with OEPA and the opportunity to support this Redesignation Request. The deadline for the submittal of comments is December 4, 2025.

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 that may impact on their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science.

¹ The members of the Midwest Ozone Group include: Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland Cliffs Inc., Council of Industrial Boiler Owners, Duke Energy Corp., East Kentucky Power Cooperative, ExxonMobil, Hoosier Energy REC, Inc., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, LGE/ KU, Marathon Petroleum Company, Monongahela Power Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

² These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

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, attainment/nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act, National Ambient Air Quality Standards (“NAAQS”) implementation guidance, the development of Good Neighbor State Implementation Plans, exceptional events and 179B demonstration, and related regional haze and climate change issues.

I. OEPA has correctly demonstrated that the Cleveland nonattainment area should be redesignated to attainment.

A. Clean Air Act requires a state to show that it is in attainment of the NAAQS to qualify for redesignation.

Clean Air Act Section 107(d)(3)(E) addresses the requirements for redesignation of an area from nonattainment to attainment. The factors are as follows:

- (i) the Administrator determines that the area has attained the national ambient air quality standard;
- (ii) the Administrator has fully approved the applicable implementation plan for the area under section 110(k);
- (iii) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable implementation plan and applicable Federal air pollutant control regulations and other permanent and enforceable reductions;
- (iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and
- (v) the State containing such area has met all requirements applicable to the area under section 110 and part D.

Clean Air Act Section 107(d)(3)(E).

Section 107(d)(3)(E) does not specifically address exceptional events, but instead, it simply requires that the NAAQS must be attained. Since it does not specify how the NAAQS must be attained, it follows that so long as the NAAQS are attained and the other factors above are met, redesignation would be proper.

When amending the Clean Air Act in 2005, Congress specifically provided that air quality monitoring data affected by exceptional events should be removed from regulatory

consideration The enactment of these provisions establishes the process by which U.S. Environmental Protection Agency (“U.S. EPA”) could exclude air quality monitoring data directly related to an exceptional event. *See* 42. U.S.C. § 7619. Subsequently, U.S. EPA promulgated the exceptional events rule. 40 C.F.R. § 50.14.

B. Exceptional events are the basis for this redesignation request.

The OEPA exceptional events demonstration for 2023 Wildfire-Related Ozone Episodes in Cuyahoga County and Lake County shows that the ozone episodes impacting Cuyahoga and Lake counties on June 1 and June 2, 2023, as well as Cuyahoga County on June 29, 2023, were driven by plumes of smoke and ozone precursors from wildfires in Canada. MOG has submitted a separate comment letter in support of these findings that is attached to these comments as Exhibit A and is incorporated here by reference.

While Clean Air Act Section 107(d)(3)(E) addresses the requirements for redesignation of an area from nonattainment to attainment, that section does not specifically address exceptional events other than to make it clear that the NAAQS must be attained – the very conclusion of the exceptional events demonstration.

OEPA has met each of the designation requirements and more with its exceptional events demonstration. Accordingly, MOG strongly supports redesignation of the Cleveland area to attainment with the 2015 ozone NAAQS.

II. While not necessary to support the current resignation request, OEPA is urged to initiate exceptional events demonstrations for all other days that impacted on the ozone air quality in Cleveland.

In addition to supporting this resignation with the exceptional events, we also believe it is important to submit an additional exceptional events demonstration for all of the other affected days so that the corrected DVs will be significantly lower than the 2015 ozone NAAQS, minimizing the need to invoke the maintenance plan in the future.

While OEPA has requested the exclusion of the monitored ozone concentrations measured June 1, June 2, and June 29, 2023, from multiple monitors in the Cleveland area, Alpine Geographic has determined that many of the top observation days at each of the five noted monitors (District 6 (39-035-0034), Eastlake (39-085-0007), GT Craig NCore PAMS (39-035-0060), and Painesville (39-085-0007)) had ozone observations enhanced by the presence of wildfire smoke (Canadian or Mexican) and could be considered for additional exceptional events demonstration action.

While these additional dates may not be additionally needed to demonstrate attainment with the 70 ppb ozone NAAQS, lower design values resulting from the removal

of these dates could impact the need to invoke RACT/RACM, etc. associated with redesignated attainment area which could be considered regulatorily significant.

I. Conclusion

For the reasons set forth above, the Midwest Ozone Group urges the OEPA to finalize its Redesignation Request and Maintenance Plan for submittal to U.S. EPA for approval.

Sincerely,



Edward "Skipp" Kropp

Counsel for the Midwest Ozone Group