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ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

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June 18, 2002

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EPA AIR DOCKET

Air and Radiation Docket and Information Center
Docket Number A-2001-31
U.S. Environmental Protection Agency
401 M Street, SW
Room 1500 (Mail Code 6102)
Washington, DC 20460

Re: Implementation of National Ambient Air Quality Standard for 8-hour Ozone

Dear Sir:

The Arizona Department of Environmental Quality (ADEQ) appreciates the opportunity to comment on EPA's initial thoughts regarding implementation of the National Ambient Air Quality Standard (NAAQS) for 8-hour ozone. ADEQ has reviewed the various option papers presented by the Environmental Protection Agency (EPA) at the public meetings held over the past few months in the Washington, DC, Atlanta, and Phoenix areas. Following internal and external discussions with stakeholders, ADEQ offers the following comments:

1) The recent U.S. Supreme Court decision in *American Trucking Association v. EPA (No. 97-1440)* does provide for flexibility in how areas are designated and classified for the new standard. There are several areas across the country that have monitored the requisite three consecutive years of clean air quality data for attainment of the 1-hour standard, but for various reasons (e.g.: development of maintenance plans are underway or EPA has not yet taken action on pending plans) have not been officially redesignated to attainment. Some of these areas are now measuring attainment of the 8-hour standard; some are measuring exceedances. In addition, there are some areas that are now designated as attainment for the 1-hour standard, but are measuring exceedances of the 8-hour standard.

   Those areas measuring attainment of the 8-hour standard will, of course, be classified as attainment areas. To provide for a smooth transition from the 1-hour standard to the 8-hour standard, ADEQ suggests that for those areas that are measuring attainment of the 1-hour standard, but exceeding the 8-hour standard, the area be designated nonattainment for the 8-hour standard under the Clean Air Act, Title I, Part D, Subpart 1 (Nonattainment Areas in General), rather than Subpart 2 (Additional Provisions for Ozone Nonattainment Areas). For those attainment areas with an attainment date for the 1-hour standard still in the future,

designation for the 8-hour standard should still be under Subpart 1, but occur after the area achieves attainment of the 1-hour standard.

Using Subpart 1 in this manner will ensure there is no backsliding for the 1-hour standard as all pertinent programs will need to remain in place. It will also avoid ozone area classifications that may differ for the 1-hour and 8-hour standards, resulting in conflicting requirements for programs such as permitting (e.g.: offsets) or conformity. In addition, history has shown that the classification scheme contained in Subpart 2 has not been effective in helping areas get to attainment, but has resulted in areas expending resources for programs that were not the best for the particular areas. For example, in metropolitan Phoenix, mobile sources are the overwhelming source of ozone precursors, with the stationary source category contribution nearing deminimis levels. Implementation of the required new source review (NSR) provisions in Subpart 2, however, has been costly and has produced little air quality benefit.

2) The nature of 8-hour ozone differs radically in many cases from 1-hour ozone, so EPA should not rely on 1-hour approaches unless they can be shown to be workable to address 8-hour nonattainment. For example, a new method is needed to set 8-hour design values under Subpart 1. In addition, establishing the size and boundaries of nonattainment areas needs to be rethought, given that 8-hour violations may be measured in areas that are not contributing to the elevated concentrations and where control strategies would not be effective in reducing those concentrations. EPA should not rely on default area boundaries such as metropolitan statistical areas (MSA) or consolidated metropolitan statistical areas (CMSA), particularly in the West.

3) EPA's designation action should be based on actual monitoring data for the three most recent years at the time of designation, rather than a design value contained in an anachronistic state implementation or maintenance plan.

4) EPA should revoke the 1-hour standard at the time of an area's designation for the 8-hour standard, under Subpart 1. This will result in a clear transition for Subparts 1 and 2 and avoid questions regarding the applicability of Subpart 2 in the event of a future 1-hour violation. For this approach to be workable, EPA needs to partner with States to expedite action on pending ozone plans.

5) EPA should issue new guidance for states to use as they develop state implementation plans under Subpart 1, rather than relying on the 1992 Title I General Preamble.

6) For the West, if it becomes necessary to rely on regional planning organizations to address the impacts of interstate ozone transport, it would make sense to make use of the existing Western Regional Air Partnership organization, rather than creating a new, costly administrative structure.

If you have any questions regarding the above comments, please contact me at (602) 207-2308, or Theresa Pella, Air Quality Planning Section Manager, at (602) 207-2375.

Sincerely,

Nancy C. Wrona, Director
Air Quality Division