

US EPA ARCHIVE DOCUMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
District Department of the Environment



Office of the Director

March 12, 2012

Shawn M. Garvin
Regional Administrator, Region III
U.S. Environmental Protection Agency
Mail Code 3RA00
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Comments to Docket ID No. EPA-HQ-OAR-2008-0476 on the District of Columbia's 2008 Ozone Nonattainment Boundary

Dear Mr. Garvin:

On December 9, 2011, the U.S. Environmental Protection Agency (EPA) sent its recommendation to Mayor Gray about the nonattainment boundary for the District of Columbia ("District") for the revised 2008 National Ambient Air Quality Standards (NAAQS) for 8-hour ozone. EPA indicated that additional information regarding the appropriate nonattainment area boundary could be submitted.

Through this letter, the District Department of the Environment (DDOE) would like to reaffirm and further clarify the District's stance on the area's nonattainment boundary.

- On March 11, 2009, the District's Mayor recommended that the nonattainment area for the 2008 8-hour ozone NAAQS, "should include at a minimum the entire Washington DC-MD-VA MSA." It was also stated that, "the District supports the idea of using larger combined statistical areas (CSA) instead of the MSA, based on sound science, for mitigating ozone."
- On February 3, 2012, in a letter to EPA's Docket (Docket ID No. EPA-HQ-OAR-2008-0476), DDOE indicated that, "we share concern over ozone transport that lead the states of Maryland, Connecticut, and Delaware to urge EPA to establish large nonattainment areas as a way to ensure that upwind states are held accountable for their contribution to the high ozone levels that are measured throughout the Northeast and Mid-Atlantic States."

In the March 2009 letter, the District highlighted the fact that, as a non-industrial jurisdiction with a small number of pollution sources, based on 2002 emissions estimates, the District's sources contributed less than ten percent of ozone precursor emissions released in the Washington DC-MD-VA nonattainment area. Projections for 2009 showed emissions reductions in the District due to controls, but without a proportionate improvement in ambient air quality. Analyses by the Ozone Transport Commission



(OTC) since the 1990s identified transported pollution as a key contributor to ozone problems throughout the Ozone Transport Region (OTR).

DDOE would like to take this opportunity to stress the need for additional controls for addressing transport. Under EPA's current proposal, most of the areas upwind of the District would be classified as a "marginal" or an "attainment" area, which means that no additional controls would be required. Without additional controls to reduce transported pollution, it is unlikely that the District will achieve the 2008 ozone standard by the 2015 attainment date.

DDOE urges EPA to address long-range transport by considering a larger multi-jurisdictional ozone nonattainment boundary that includes the District. At a minimum, the boundary for the nonattainment area has to be redefined to account for the expanded urban corridor and EPA should reconsider designating the Washington-Baltimore-Northern Virginia DC-MD-VA-WV CSA as the nonattainment area boundary.

Large Nonattainment Area Boundary

A super-regional nonattainment boundary that encompasses all contributing states would get at the heart of the nonattainment issues in District and throughout the OTR. As EPA stated in the five-factor analysis that accompanied the December 9, 2011, letter to Mayor Gray¹, "at this point in the designation process, EPA preliminarily agrees with the District of Columbia that an appreciable part of the air quality problem within the District of Columbia is due to emissions outside its borders." The District cannot solve its air quality problems without a reduction in transported pollution from the contributing states.

Based on an analysis conducted by EPA for the Cross-State Air Pollution Rule (CSAPR), emissions from states listed in the table below contribute significantly to the District's ozone air quality problem. For example, in 2012, EPA's analysis indicated that the cumulative contribution at the District's air monitors could be in the range of 49 parts per billion (ppb) to 52 ppb from states with individual contribution of at least 0.7 parts per billion (ppb) or at least one percent of the NAAQS. Together, in 2012, the contributing states listed in the table below are expected to contribute at least 74 percent or 56.6 ppb of 76.9 ppb base case average, at the highest reading ozone monitor in the District.

Although different OTC states may offer different super-regional boundaries, based on various factors such as unique meteorology or topography or air quality contributions, the District urges EPA to take a broader view of the ozone problem to determine which states contribute most commonly to nonattainment issues throughout the Mid-Atlantic and Northeastern regions of the United States.

¹ The EPA analysis that accompanied the December 9, 2011, letter to Mayor Gray was titled, "District of Columbia Area Designations for the 2008 Ozone National Ambient Air Quality Standards."

States with < 0.7 ppb contribution to the District's air monitors		States with > 0.7 ppb (> 1% of NAAQS) contribution to the District's monitors
Alabama	New Hampshire	Illinois
Arkansas	North Dakota	Indiana
Connecticut	Oklahoma	Kentucky
Florida	Rhode Island	Maryland
Georgia	South Carolina	Michigan
Iowa	South Dakota	New Jersey
Kansas	Texas	New York
Louisiana	Vermont	Ohio
Maine	Delaware	Pennsylvania
Massachusetts	Missouri	Tennessee
Minnesota	North Carolina	Virginia
Mississippi	Wisconsin	West Virginia
Nebraska		

According to the Clean Air Act (CAA) §182(b), states and jurisdictions added to the nonattainment area that are not currently in nonattainment would be required to adopt a SIP as well as the following control programs:

- Major source Reasonably Available Control Technology (RACT);
- New Source Review (NSR);
- Vehicle Inspection and Maintenance (I/M);
- Stage II gasoline vapor recovery.

Also, CAA §176 requires transportation conformity in nonattainment areas. Extending nonattainment area requirements to additional jurisdictions would create regulatory parity while providing opportunity for the District to achieve its air quality improvement goals for the 2008 ozone NAAQS, as well as future NAAQS that may be even more stringent.

CSA Nonattainment Area Boundary

Because of urban sprawl in the Washington-Baltimore area, as noted in the District's March 2009 letter, DDOE urges EPA to reevaluate its approach for establishing a nonattainment boundary by accounting for the expanded urban corridor. EPA should reconsider designating the Washington-Baltimore-Northern Virginia DC-MD-VA-WV CSA as the nonattainment area boundary.

Based on Office of Management and Budget (OMB) and U.S. Census Bureau classifications, a CSA nonattainment boundary for the Washington-Baltimore would bring additional counties into the nonattainment area as listed in the table below. With the CSA as the nonattainment boundary, the newly added jurisdictions would be required to adopt above mentioned control measures, both non-mobile and mobile controls, as

applicable. The District understands that the CSA counties in column three of the table below that are considered part of the Ozone Transport Region (OTR)² may already comply with the requirements of CAA §184, and these jurisdictions need to implement controls such as the major source RACT and vehicle I/M programs.

State	Counties/Cities in Existing Nonattainment Areas as proposed by EPA	Additional Counties/Cities for the CAS nonattainment boundary: Washington-Baltimore-Northern Virginia DC-MD-VA-WV CSA*
DC	Washington, D.C. ¹	
MD	Calvert County ¹	Queen Anne's County ^{2***}
	Charles County ¹	St. Mary's County ⁴
	Frederick County ¹	
	Montgomery County ¹	
	Prince George's County ¹	
	Anne Arundel County ²	
	Baltimore City ²	
	Baltimore County ²	
	Carroll County ²	
	Howard County ²	
VA	Arlington County ¹	Clark County ¹
	Fairfax County ¹	Fauquier County ¹
	Loudoun County ¹	Spotsylvania County ^{1**}
	Prince William County ¹	Stafford County ^{1**}
	City of Alexandria ¹	Warren County ¹
	City of Fairfax ¹	City of Fredericksburg ^{1**}
	City of Falls Church ¹	Frederick County ³
	City of Manassas ¹	City of Winchester ³
	City of Manassas Park ¹	Culpeper County ⁴
WV	n/a	Jefferson County ¹
		Hampshire County ³

*Part of Washington-Arlington-Alexandria DC-MD-VA-WV MSA¹;
 Baltimore-Towson MD MSA²; Winchester VA-WV MSA³;
 Lexington Park MD or Culpeper VA Micropolitan Areas⁴

** These areas are part of Fredericksburg nonattainment area
 (which also includes portions of Caroline County)

*** This area is part of the Upper Eastern Shore nonattainment area under the 1997 NAAQS

² According to CAA §184(a), the OTR includes the State of Maryland and the Consolidated Metropolitan Statistical Area that includes the District of Columbia, which includes parts of Virginia but not West Virginia. However, the District is not clear on whether Virginia counties that are not in the Washington DC-MD-VA nonattainment area are technically still part of the OTR.

DDOE is appreciative of EPA's five-factor analysis in support of its December 2011 boundary recommendation for the District. However, DDOE questions several of the conclusions drawn by EPA.

First, EPA should consider revisiting its interpretation or use of the term "nearby" to delineate nonattainment boundaries for the ozone NAAQS (i.e., such as one county out from a violating monitor, as EPA has typically used as a basis for whether or not to include a county in a nonattainment area). It is widely acknowledged that precursor emissions of ozone travel distances much farther than previously believed.

It appears that EPA made determinations about which county should be linked to which nonattainment area in the Washington-Baltimore corridor based on "Maryland's recommendations." DDOE does not agree with EPA's apparent interpretation of Maryland's recommendation. In their March 10, 2009, letter to EPA, Maryland stated that they only recommended the existing nonattainment structure, "if EPA is confident that strong national rules will be in place three years in advance of Maryland's attainment date," or by 2011. In the alternative, Maryland advocated for a large regional nonattainment area. EPA has not been able to follow through with strong national controls.

Of particular note is EPA's weight on Maryland's supposed recommendations for a couple of counties (Prince George's County and Frederick County). The analyses appear to indicate that the two counties could be included as part of at least two different nonattainment areas. Perhaps, upon further reconsideration of Maryland's recommendations, and since numerous counties could realistically be included in more than one nonattainment area in the Washington-Baltimore CSA, EPA will agree that it would be appropriate to develop a larger nonattainment area that encompasses CSA boundary.

Finally, EPA should consider more heavily weighting the influence of the entire region's mobile sector emissions. In EPA's analysis, "traffic and commuting patterns" are rarely mentioned as factors that influenced EPA's preliminary boundary decisions. The mobile sector (on-road and off-road) is a major contributor to emissions in urban areas such as the Washington and Baltimore metropolitan areas and controls on the mobile sector provide local air quality benefit.

The Metropolitan Planning Organization's (MPO) travel demand modeling recognizes the undeniable influence of mobile emissions from jurisdictions surrounding the region's current nonattainment areas. This is indicated by the regionally-determined "model area," which is the transportation analysis zone (TAZ) used in air quality conformity assessments for the National Capital region's transportation planning. Please see the map in Attachment A. Vehicle miles traveled (VMT) and the emissions from these exurban counties contribute to the National Capital region's air quality. Mobile sector control programs in some of these counties create local benefits and would be very appropriate.

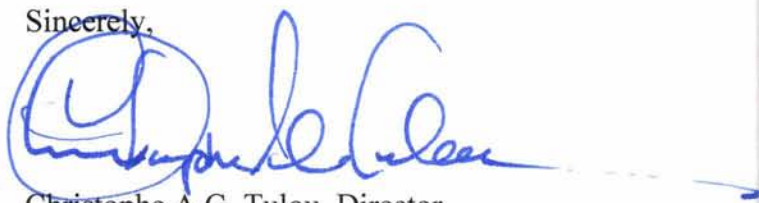
This can be achieved by including the exurban counties as part of the nonattainment area with CSA as the boundary.

In summary, based on EPA's analyses, the District's air quality is significantly impacted by the transported air pollution from outside its boundaries. The District cannot attain the 2008 ozone NAAQS without the precursor pollution reductions in contributing jurisdictions. DDOE encourages EPA to address transport by considering a larger multi-jurisdictional ozone nonattainment boundary that includes the District. Alternately, DDOE urges EPA to reconsider designating the Washington-Baltimore area by using CSA boundary.

If you wish to discuss these issues further, please do not hesitate to contact me at (202) 535-2615, or Ms. Cecily Beall, Associate Director of the Air Quality Division, at (202) 535-2626.

Thank you for consideration of our comments.

Sincerely,

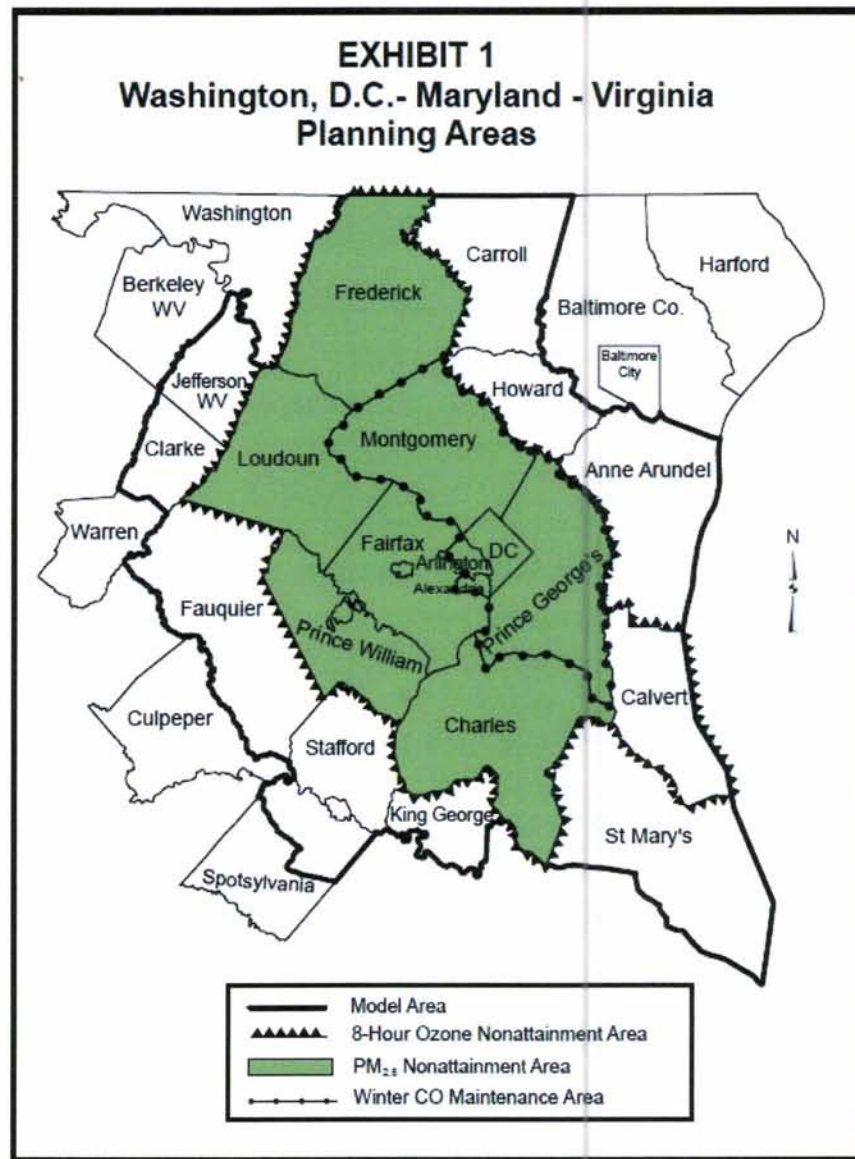


Christophe A.G. Tulou, Director
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cc: Diane Esher, Director, Air Protection Division, EPA Region III
Cecily Beall, Associate Director, Air Quality Division, DDOE

Enclosure

ATTACHMENT A



Source: "Air Quality Conformity Determination of the 2011 Constrained Long Range Plan for the Washington Metropolitan Region" (November 16, 2011); found at: http://www.mwcog.org/store/item.asp?PUBLICATION_ID=424