

US EPA ARCHIVE DOCUMENT

March 27, 2002

Air and Radiation Docket and Information Center
Honorable Christine T. Whitman
Docket Number A-2001-31
U.S. EPA, 401 M Street, SW.
Room M-1500 (Mail Code 6102)
Washington, DC 20460

RE: Docket Number A-2001-31

Dear Ms. Whitman:

Please accept this letter as comments from the Alabama Department of Environmental Management (ADEM) on several key issues as EPA develops the 8-hour ozone implementation policy. Two ADEM staff members attended the March 7, 2002 public meeting in Atlanta, Georgia. The documents provided on EPA's website were very helpful in preparation for the public meeting.

Thank you for the opportunity to comment on this very important issue.

Sincerely,

Ronald W. Gore, Chief
Air Division

RWG/CLG:lg

Alabama 8-Hour Ozone Implementation Policy Comments

I. Issue: 8-Hour Classifications

Response: Most areas in the East are predicted through EPA modeling to attain the 8-hour standard with the NOx SIP Call and Tier II tailpipe standards. Designations should be classified on the 8-hour ozone design values except any area where EPA modeling indicates attainment in the short term should be classified as a marginal nonattainment area.

II. Issue: Options for Attainment Dates

Response: In keeping with the Supreme Court's opinion that Subpart 2 should not be ignored, the dates should be [as expeditiously as practicable] up to 5 years after designation or the area's attainment date for the 1-hour standard, whichever is later.

III. Issue: Transport

Response: EPA should finish modeling for the remaining 15 States in the OTAG region to determine 8-hour impacts. Prior to the litigation of the new ozone standard, EPA has conceded in a public forum that this would need to be performed.

ADEM believes that EPA should perform modeling to determine whether the NOx SIP call, Tier II tailpipe standards and other "on the way" controls will be sufficient to bring local areas into attainment of the 8-hour ozone standard. Obviously, areas projected to attain the standard will have no need to address transport. If EPA's modeling indicates that these "on the way" controls will not be sufficient to bring a given urban area into attainment then additional urban/regional scale modeling would be necessary to determine what additional controls will be needed to bring the area into attainment. If this modeling concludes that additional local controls will bring the area into attainment, then there will be no need to address transport. Even if the modeling indicates that upwind controls will be needed in addition to local controls to bring an area into attainment then EPA should leave it to the states to secure those upwind controls. States can either work cooperatively together to address transport issues identified in this manner or rely on Section 126.

IV. Issue: Transition for Revoking the 1-hour Standard

Response: EPA has changed the standard's form to be more protective of public health. Why retain a standard that is less protective?

The 1-hour standard should be revoked as expeditiously as possible, as long as previous 1-hour nonattainment areas have either: (1) met the old standard and have been redesignated; (2) or at least met all requirements for the area under Subpart 2.

V. Issue: RFP Under the 8-Hour Standard

Response: Under Subpart 2, EPA should consider that the 1996 date for the 15% ROP has been met. Under EPA's discretion for RFP under Subpart 1, EPA can determine an appropriate rate-of-progress depending upon the particular area. But neither Subpart envisioned the NOx SIP Call for the 23 eastern jurisdictions. The NOx SIP Call states should not be required to achieve stringent ROPs since EPA's modeling indicates attainment no later than 2007.

Any baseline inventory date should be reflective of the most recent year consistent with the CERR. Better tools are available now to quantify forthcoming national measures.

VI. Issue: Flexibility in Mandatory Measures in Subpart 2

Response: The science of the 1990 CAAAs did not accurately assess the science of ozone formation in the East. Many areas are NOx limited. Many of the mandatory measures in Subpart 2 focus on VOC controls and/or controls that are fast becoming technologically unnecessary. The prime example is that of Stage II vapor recovery. This should not be a mandatory requirement. When fully phased in (2006), onboard refueling vapor recovery (ORVR) will apply

to 97% of all gasoline-fueled vehicle sales.

EPA should analyze each of the mandatory requirements of Subpart 2, determine which measures are obsolete and what measures have been cost effective in reducing ozone precursors.

VII. Issue: 8-Hour Attainment Demonstrations

Response: If national modeling is available, then States should be able to rely on EPA's modeling to alleviate the burden where States have limited resources.

ADEM believes that EPA should perform modeling to determine whether the NO_x SIP call, Tier II tailpipe standards and other "on the way" controls will be sufficient to bring local areas into attainment of the 8-hour ozone standard. Obviously, areas projected to attain the standard will have no need to include urban/regional scale photochemical modeling in their attainment demonstration. If EPA's modeling indicates that these "on the way" controls will not be sufficient to bring a given urban area into attainment then a detailed attainment demonstration would be necessary including urban/regional scale modeling to determine what additional controls will be needed to bring the area into attainment.

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