



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

June 6, 2018

Peter Tsirigotis, Director
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards (OAQPS)
109 T.W. Alexander Drive
Durham, NC 27709

Submitted electronically via www.regulations.gov

Re: Information on the Interstate Transport State Implementation Plan Submissions for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)

Dear Director Tsirigotis:

In the above-referenced memorandum, the U.S. Environmental Protection Agency (EPA) is providing interstate ozone transport modeling data to states for the 2015 ozone National Ambient Air Quality Standard (NAAQS). The memorandum includes ozone modeling data for the year 2023 to assist states and EPA regional offices as they develop or review state implementation plans (SIPs) to address section 110(a)(2)(D)(i)(I) of the Clean Air Act (CAA), also known as the “good neighbor” provision. The Wyoming Department of Environmental Quality, Air Quality Division (Division or WDEQ) appreciates the opportunity to comment on EPA’s memorandum.

1. Flexibility

The memorandum notes that the information, while it may be used to inform the development of good neighbor SIPs, is not a final determination of a state’s obligations under the good neighbor provision. It goes on to state that when states develop their own rules, they have the flexibility to either follow the four-step framework associated with the Cross-State Air Pollution Rule (CSAPR) Update or to use alternative frameworks so long as the alternative frameworks have adequate technical justification and are consistent with the CAA. The memo indicates that Attachment A provides a list of potential flexibilities in analytical approaches for developing good neighbor SIPs that states may want to further discuss with EPA.

EPA is seeking feedback on alternative frameworks to address good neighbor obligations or other considerations outside of the four-step process. One such alternative framework EPA should consider is weight-of-evidence demonstrations. EPA has previously approved plans based on weight-of-evidence demonstrations. Such demonstrations contain technical justifications and are consistent with the CAA. Allowing states to use weight-of-evidence demonstrations provides flexibility for states that lack the resources to conduct alternative modeling, but might have other evidence to support the SIP such as emission reductions through rulemaking or permitting actions.

It also allows for the inclusion of any alternative modeling for states that do have the resources for running such models.

WDEQ supports EPA's statement in the memorandum that States may choose to use other relevant information to identify nonattainment and maintenance receptors instead of the national modeling data for 2023. WDEQ also agrees that State's should be allowed to use alternative frameworks instead of the four-step transport framework if they are able to demonstrate that it meets the requirements of the CAA. WDEQ also supports the guiding principles in Attachment A that EPA has identified to consider when evaluating alternative frameworks, especially supporting States' positions as "first actors" in SIP development.

2. One percent Threshold

EPA updated the modeling analysis from the January 2017 Notice of Data Availability (NODA) for the 2015 ozone NAAQS. The modeling includes data for the analytic year of 2023. Like the modeling for the 2008 ozone NAAQS, the 2023 modeling uses a one percent threshold to identify whether emissions from a state are "linked" to downwind nonattainment or maintenance receptors. EPA has not yet provided a technical basis for the use in Western States of one percent of the NAAQS as a threshold for determining linkages to downwind air quality issues. When EPA drafted guidance documents on Significant Impact Levels (SILs) for ozone and particle pollution, it provided a technical basis for developing those SILs. EPA recommended a threshold of 1 part per billion (ppb) as the SILs threshold.¹

WDEQ asks that EPA provide a technical support document or equivalent to demonstrate the use in Western States of a one percent threshold in determining ozone transport linkages. As WDEQ had commented previously, the one percent threshold was determined in the CSAPR rulemaking, a rulemaking that did not include Western States. WDEQ also recommends that EPA allow States to determine linkages on a case-by-case basis using alternative criteria.

3. Western State Considerations

WDEQ asks that EPA work with Western States, either individually or through regional organizations, to develop analytical methods that are more appropriate for air quality conditions in the west. Areas in the west tend to have higher levels of background ozone and are more susceptible to internationally transported ozone. Other important regional considerations such as altitude and the prevalence of wildfires should be evaluated, if not by EPA then by regional organizations. Wildfires and other exceptional events such as stratospheric intrusions can contribute significantly to days with high ozone levels.

WDEQ also asks that EPA act on exceptional event demonstrations when States submit them due to the time and effort such demonstrations require. Exceptional events are known to affect ozone levels and are sometimes the sole reason an area may measure exceedances. Due to the cross-state nature of interstate ozone, it is important for EPA to act on exceptional event

¹ Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program, p.10

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demonstrations, not only for the state making the demonstration, but also for surrounding states that may be affected, whether they are upwind or downwind.

In summary, WDEQ requests EPA to evaluate all options that give states flexibility, including weight-of-evidence demonstrations, in drafting SIPs to address the interstate transport of ozone. EPA should also consider alternatives to CSAPR's one percent contribution threshold for determining linkages to downwind receptors. Lastly, WDEQ asks EPA to further evaluate the special circumstances in the western United States that can affect ozone levels. Thank you for the opportunity to comment on this memorandum. As always, the Division is available to discuss any of the comments outlined in this letter. Please feel free to contact me at 307-777-7391.

Sincerely,



Nancy E. Vehr
Air Quality Division Administrator

CC: Todd Parfitt, Wyoming Department of Environmental Quality, Director
Colin McKee, Wyoming Governor's Office, Policy Advisor
Monica Morales, EPA Region 8, Air Program Director