

APPENDIX E  
Comment and Response Documents

- Document E-1: *Pennsylvania Bulletin* Notice for Public  
Comment Period and Public Meetings  
Document E-2: Comment and Response Document

# NOTICES

## Proposed Designation Recommendations for the 2015 Ozone Standards; Public Meetings

[46 Pa.B. 5162]

[Saturday, August 20, 2016]

Ground-level ozone concentrations above the Federal health-based standard are a serious threat to human health. Ozone also causes damage to crops, forests and wildlife. On October 1, 2015, the United States Environmental Protection Agency (EPA) promulgated revised primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone, which were published at 80 FR 65292 (October 26, 2015). The revised primary ozone NAAQS of 70 parts per billion (ppb) will provide increased protection of public health when compared to the 2008 primary NAAQS of 75 ppb. The revised secondary 8-hour ozone NAAQS of 70 ppb is also expected to provide increased protection of forests, crop yield, plants and wildlife when compared to the 2008 secondary 8-hour NAAQS of 75 ppb.

In accordance with section 107(d)(1) of the Clean Air Act (CAA) (42 U.S.C.A. § 7407 (d)(1)), the governor of each state must now submit designation recommendations to the EPA by October 1, 2016, within 1 year of the promulgation of a new or revised NAAQS for any pollutant under section 109 of the CAA (42 U.S.C.A. § 7409). The Commonwealth's designation recommendations for the 2015 8-hour ozone NAAQS are based on air quality monitoring data for 2013—2015, demographic information and other criteria, as recommended by the EPA in its February 25, 2016, memorandum pertaining to "Area Designations for the 2015 Revised Ozone National Ambient Air Quality Standards." The EPA expects to make final designations by October 1, 2017.

The Department of Environmental Protection (Department) is seeking public input on the proposed designation recommendations for the 2015 ozone NAAQS. Based on air quality, demographic information and political boundary factors, the Department is proposing to recommend that:

- Allegheny, Armstrong, Beaver, Butler, Washington, Fayette and Westmoreland Counties be designated as a multicounty nonattainment area.
- Indiana County be designated as a single county nonattainment area.
- Lebanon County be designated as a single county nonattainment area.
- Bucks, Chester, Delaware, Montgomery and Philadelphia Counties be designated as a multicounty interstate nonattainment area.

The Department is proposing to recommend that the remainder of this Commonwealth be designated as unclassifiable/attainment as described in the EPA guidance.

This proposal is available on the Department's web site at <http://www.dep.pa.gov/> or through the following list of contact persons. The Department will hold public informational meetings as follows:

August 24, 2016	August 25, 2016	August 26, 2016
11 a.m.	11 a.m.	11 a.m.
Juniata River Room	Waterfront A	Delaware River Room
909 Elmerton Avenue	500 Waterfront Drive	2 East Main Street
Harrisburg, PA	Pittsburgh, PA	Norristown, PA

For more information on the public meetings, contact Roma Monteiro at (717) 787-9702 or [rmonteiro@pa.gov](mailto:rmonteiro@pa.gov). Persons with disabilities who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the proceeding should also contact Roma Monteiro. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive all comments on or by Friday, September 2, 2016. Electronic comments should be submitted using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

PATRICK McDONNELL,  
Acting Secretary

[Pa.B. Doc. No. 16-1438. Filed for public inspection August 19, 2016, 9:00 a.m.]

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF AIR QUALITY

COMMENT AND RESPONSE DOCUMENT  
CONCERNING

Designation Recommendations  
for the 2015 Eight-Hour Ozone National Ambient Air Quality Standards  
September 2016

On August 20, 2016, the Pennsylvania Department of Environmental Protection (“DEP” or “Department”) requested public comment on its proposed designation recommendations for Nonattainment/Attainment Areas for the revised primary and secondary 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS). (46 Pa. B. 5162). EPA published the 2015 ozone NAAQS on October 26, 2015. (80 FR 65292). The Department has developed designation recommendations in accordance with section 107(d)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7407(d)(1). The public comment period on the proposed designation recommendations closed on September 2, 2016. The DEP held three public informational meetings as follows:

August 24, 2016  
11:00 am

Department of Environmental Protection  
Juniata River Room  
909 Elmerton Avenue  
Harrisburg, PA 17110

August 25, 2016  
11:00 am

Department of Environmental Protection  
Waterfront A  
500 Waterfront Drive  
Pittsburgh, PA 15222

August 26, 2016  
11:00 am

Department of Environmental Protection  
Delaware River Room  
2 East Main Street  
Norristown, PA 19401

This Comment and Response Document summarizes the comments received from the public during the public comment period. Each comment is listed with its corresponding commentator number. The list of commentators, including name and affiliation, can be found below.

**COMMENTATORS:**

1. Vincent Brisini  
Director of Environmental Affairs  
Olympus Power, LLC  
67 Park Place East

Morristown, NJ 07960

2. Kevin Sunday  
Director, Government Affairs  
PA Chamber of Business and Industry  
417 Walnut Street  
Harrisburg, PA 17101
3. Dennis Yablonsky  
Greater Pittsburgh Chamber of Commerce  
11 Stanwix Street, 17th Floor  
Pittsburgh, PA 15222-1312
4. John Shimshock  
Sr. Air Environmental Specialist  
NRG Energy  
121 Champion Way  
Canonsburg, PA 15317
5. Judy Morgan  
Philadelphia Neighborhood Networks Environmental Committee  
121 South Broad Street  
Suite 800  
Philadelphia, PA 19107

## COMMENTS AND RESPONSES

1. **COMMENT:** The proposed classifications of the majority of Pennsylvania are flawed because of the measured design values of the three year 2013-2015 period. The “vast majority” of monitors in this period measured attainment of the 2015 ozone NAAQS and were measured prior to the 2017 implementation of the Pennsylvania Reasonable Available Control Technology II (RACT II) regulation and the introduction of federal Tier 3 gasoline. (1)

**RESPONSE:** The Department disagrees with the commentator's assertion that the recommendations are flawed because the measured design values in the three year period from 2013 to 2015 were used. Section 107(d)(1) of the CAA, 42 U.S.C. § 7407(d)(1), requires the EPA to designate an area as “nonattainment” if it is violating the NAAQS or if it is contributing to a violation of a NAAQS in a nearby area. Monitor design values are the numerical values used for determining compliance with the NAAQS. There is no legal provision for the EPA to designate an area as attainment if only a “vast majority”, but not all, of the monitors in the area show no violation of the NAAQS or no contribution to a violation of the NAAQS. EPA explained in its guidance issued February 25, 2016 by Janet McCabe, Acting Assistant Administrator for the EPA’s Office of Air Radiation, entitled “Area Designations for the 2015 Ozone National Ambient Air Quality Standards,” (hereinafter “Designation Guidance”) that States should base their recommendations on air quality data from the three most recent years of quality assured, certified monitoring data available at the time. Designation Guidance, pp. 2, 3. For Pennsylvania’s recommendations, the Department has used monitoring data collected from EPA Federal Equivalent Method (FEM) monitors for 2013 to 2015, and certified in accordance with federal regulations (40 C.F.R. § 58.15).

Pennsylvania’s RACT II and EPA’s Tier 3 gasoline programs will not take effect until 2017. EPA indicates in its Designation Guidance that it intends to promulgate final ozone area designations for the 2015 ozone NAAQS by October 1, 2017. Designation Guidance, p. 3. This deadline would preclude the inclusion of monitoring data from 2017 for the purposes of designation. The EPA Designation Guidance indicates that EPA will use “the most recent complete three consecutive calendar years of quality assured, *certified* air quality data” (emphasis added) in making their designations. As complete 2017 monitoring data would not be available until after January 1, 2018, EPA would be unable to use monitoring data reflecting these potential benefits. EPA expects promulgation of final designations no later than October 1, 2017. However, any emissions benefits achieved from the programs identified by the commentator, while not likely to influence area designations, will nonetheless help the areas attain and maintain the NAAQS, and may be reflected in later State Implementation Plan (SIP) revisions, such as attainment plans and maintenance plans, for Pennsylvania’s ozone nonattainment areas.

2. **COMMENT:** The Department should not propose that Allegheny, Armstrong, Beaver, Butler, Washington, Fayette, and Westmoreland Counties be designated as a multi-county nonattainment area because only one Allegheny monitor and the Armstrong

County monitor have design values greater than the 2015 eight-hour ozone NAAQS. (1,2)

**RESPONSE:** The Department disagrees with the comment to not recommend the designation of the seven county Pittsburgh-Beaver Valley area as in nonattainment of the 2015 ozone NAAQS.

As described in the proposed recommendations, the Department used a multi-factor analysis consistent with the EPA Designation Guidance. That guidance states that EPA will consider five factors in designating new areas under the 2015 ozone NAAQS: 1) Air quality data; 2) Emissions data and emissions-related data; 3) Meteorology; 4) Geography and topography; and 5) Jurisdictional boundaries, including political boundaries, transportation planning organizations and existing nonattainment areas.

In addition to air quality data indicating two monitors with design values greater than the 2015 ozone NAAQS, a large part of the Department's recommendation is based upon the seven counties being part of a Core Based Statistical Area (CBSA) that includes both Metropolitan and Micropolitan Statistical Areas with a high degree of both historic and current social and economic integration. This is evidenced by commuting patterns between the outlying counties surrounding the core of the City of Pittsburgh in Allegheny County. Furthermore, other factors described in the proposal, including monitoring, emissions and meteorological data, topography, jurisdictional boundaries and past designation history, were considered to make the final recommendation.

HYSPLIT trajectory analysis, showing contributions of transport into the seven-county area and provided in Appendices C & D of the proposal, further support the Department's recommendation to designate the seven-county Pittsburgh-Beaver Valley area as nonattainment for the 2015 Ozone NAAQS. Section 107(d)(1) of the Clean Air Act requires that the EPA designate an area as "nonattainment" if it is violating the NAAQS *or if it is contributing to a violation of a NAAQS in a nearby area* (emphasis added).

3. **COMMENT:** Linking counties into a single multi-county nonattainment area results in the entire area remaining classified as nonattainment, even if only one monitor in one county is actually measuring nonattainment of the standard. (1)

**RESPONSE:** The commentator appears concerned that counties, once linked together as a nonattainment area, will remain that way for future NAAQS revisions. While the Department is sensitive to this concern, the Department has developed the Pennsylvania recommendations based on the CAA and EPA guidance. When making designation recommendations for the 2015 ozone NAAQS and determining whether to link counties into a single county nonattainment area, EPA indicates in its Designation Guidance that it will consider five factors: 1) Air quality data; 2) Emissions data and emissions-related data; 3) Meteorology; 4) Geography and topography; and 5) Jurisdictional boundaries, including political boundaries, transportation planning organizations and existing nonattainment areas.

4. **COMMENT:** Because the Commonwealth is located in a Clean Air Act defined Ozone Transport Region (OTR), it is not necessary for the Department to create separate

“internal ozone transport regions” by recommending multi-county areas for EPA designation as nonattainment. (1)

**RESPONSE:** The Department disagrees with the commentator’s premise that recommending a multi-county area for designation as nonattainment creates an “internal ozone transport region”, or that the Department’s recommendation of a multi-county area is unnecessary.

The OTR was created by operation of law in Section 184 of the CAA, 42 U.S.C. § 7511c(a), to facilitate the coordinated control of interstate ozone transport. It is already the Department’s responsibility under the CAA, Pennsylvania Air Pollution Control Act (APCA), 35 P.S. §§ 4001 *et seq.*, and regulations adopted under APCA (25 Pa. Code §§121-145) to regulate intrastate transport of pollution. Furthermore, the APCA mandates in Section 4(1) that the Department implement the CAA in Pennsylvania. 35 P.S. § 4004(1).

Consistent with Section 107 of the CAA, and applying the EPA Designation Guidance, the Department is recommending a multi-county nonattainment area in the five county Philadelphia area (Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties), as the specified factors indicate that intrastate emissions likely contribute significantly to the exceedances at a monitor within the multi-county area. This approach is consistent with Section 107 of the CAA, prior Department designation recommendations, previous and current EPA NAAQS designation guidance, and final EPA designations for previous ozone NAAQS.

5. **COMMENT:** It is ultimately in the best interests of businesses to be located in areas which have a formal county specific designation of attainment. (1)

**RESPONSE:** The Department agrees, since there are fewer restrictions on businesses in areas that are not designated nonattainment. That is not, however, a primary factor in making area designation recommendations. The Department is following the CAA and EPA’s Designation Guidance, which are designed to ensure that all areas in the United States attain the 2015 ozone NAAQS, in making its recommendations. It is in the best interest of all Pennsylvanians to breathe air that attains the human health and welfare based NAAQS. Residents in areas of Pennsylvania that attain the NAAQS will enjoy both reduced hospital admissions and other long-term health benefits. Areas with clean air that meets ambient health and welfare standards are generally more attractive places to live and visit, thus encouraging economic growth in sectors related to that development.

6. **COMMENT:** An ultimate classification by EPA of attainment of the 2015 ozone NAAQS would show that reductions that have already been achieved have resulted in attainment of the NAAQS which is important to be shared with citizens of the state. (1)

**RESPONSE:** The Department agrees. EPA’s final designations for the 2015 ozone NAAQS should reflect the progress already made by Pennsylvania in achieving attainment of the previous ozone NAAQS.



7. **COMMENT:** A county specific designation of attainment over a multi-county designation would have no negative effect on the availability and use of Emissions Reduction Credits (ERCs) necessary for the operation of new or modified sources major sources of ozone precursors and each county would only be obligated to obtain ERCs at a ratio that is consistent with the county specific classification rather than at a higher level of nonattainment designation that could be made for an entire multi-county nonattainment area due to the ozone concentrations measured in a different county. (1)

**RESPONSE:** The Department appreciates the commentator's concern, but the Department has developed its recommendations consistent with the CAA and EPA's Designation Guidance, which lead to the conclusion that the Pittsburgh–Beaver Valley area should include the seven listed counties in Pennsylvania's final designation recommendations.

8. **COMMENT:** Designating individual counties based upon the measured design values could be quite important in the very near future, because if the PA RACT II and the Tier 3 gasoline implementation result in measured attainment of the 2015 ozone NAAQS in all counties, then the current PA RACT II regulation could be determined to be adequate for Pennsylvania and no revision to that regulation would be required. (1)

**RESPONSE:** The RACT II regulations in Pennsylvania will take effect in 2017. RACT II was ultimately developed as a requirement to consider RACT as a result of the 2008 8-hr ozone NAAQS. (46 *Pa. B.* 2036-2064; April 23, 2016). Section 182 of the CAA (42 U.S.C. § 7511a) requires a state to develop and implement a program that requires owners and operators of sources in ozone nonattainment areas to implement RACT for sources that are subject to Control Techniques Guidelines (CTG) issued by EPA and for "major sources" of VOC and NO<sub>x</sub>, which are precursors to ozone.

After EPA promulgates its final designations for the 2015 ozone NAAQS in 2017, the Department is legally obligated to evaluate existing RACT requirements to either certify that the existing RACT II regulation presumptively meets the requirements of RACT under the new 2015 ozone NAAQS, or, after evaluation, require owners and operators of sources in nonattainment areas to implement additional RACT.

According to EPA's preamble to its final rule establishing the 2015 ozone NAAQS, EPA intends to promulgate a 2015 ozone NAAQS implementation rule that will address RACT for major sources and RACT VOC CTGs. (80 FR 65292, 65437; October 26, 2015.) EPA has indicated that the implementation rule will be similar to the 2008 ozone NAAQS implementation rule (80 FR 12264; March 6, 2015). Following receipt of the anticipated implementation rule for the 2015 ozone NAAQS and following EPA's determination of final area designations for the 2015 ozone NAAQS in 2017, the Department will determine if the existing RACT II regulation will need to be evaluated to determine if it meets the requirements to be considered presumptive RACT for the 2015 ozone NAAQS.

See also the response to Comment #2.

9. **COMMENT:** If the design values for the 2014-2016 ozone season period show measured attainment of the 2015 ozone NAAQS for those monitors that currently show violations for the 2013-2015 ozone season period, then the designation for those counties should be revised to attainment of the 2015 ozone NAAQS prior to EPA finalizing the designations on October 1, 2017. (1,2,3,4)

**RESPONSE:** The Department will revise its recommendations if the 2014-2016 quality assured, certified monitoring data demonstrates attainment of the NAAQS in accordance with 40 C.F.R. § 50.19 and EPA's implementing guidance for demonstrating attainment of the NAAQS, in time for EPA's final determinations. In EPA's Designation Guidance, the EPA has anticipated notifying Pennsylvania of its intended modifications to the Department's recommendations by June 2, 2017. EPA has stated that it will allow states sixty (60) days from the date of the EPA letter's issuance to submit additional information, including 2016 certified monitoring data, for EPA's consideration in making its final designations. Given the existing EPA requirement to provide certified monitoring data for 2016 no later than May 1, 2017, the Department anticipates that certified 2016 monitoring data will be available for EPA to use in determining if areas initially recommended for nonattainment would actually be in attainment of the 2015 ozone NAAQS.

10. **COMMENT:** Chester County should not be designated as a nonattainment area or as part of a Bucks, Chester, Delaware, Montgomery and Philadelphia multi-county nonattainment area. The monitor located in that county has a measured design value for the 2013-2015 time period that demonstrates attainment of the 2015 ozone NAAQS. Further, the PA RACT II regulation and Tier 3 gasoline will result in additional significant reductions in ozone precursors further reducing the ambient ozone concentrations at that location. (1)

**RESPONSE:** The Department disagrees. Chester County is included in the interstate Philadelphia-Reading-Camden Combined Statistical Area (CSA) and is included in the Southeast Pennsylvania air basin as defined in 25 Pa. Code § 121.1. The area's transportation planning organization includes the five counties and all five counties have been part of the multi-state ozone nonattainment area since the first ozone designations were made under the federal CAA. Because of this historic inclusion as part of a five county nonattainment area, Chester County already shares a number of air pollution control strategies reflecting the area nature of ozone formation and transport.

Section 107(d)(1) of the Clean Air Act requires that the EPA designate an area as "nonattainment" if it is violating the NAAQS or if it is contributing to a violation of a NAAQS in a nearby area. As indicated in Appendix D of the Department's proposed and final designation recommendations, the inter-county commuting ties remain strong and further reinforce the five county nonattainment area recommendation. Importantly, the entire five-county area relies heavily on the U.S. Interstate 95 corridor and the corridor's interconnecting network of feeder highways. The I-95 corridor has often been cited as one of the leading contributing factors to regional ozone nonattainment in the nation.

See also the response to Comment #2.

- 11. COMMENT:** Indiana and Lebanon Counties should initially be designated as individual county nonattainment areas of the 2015 ozone NAAQS, however, if the design values for the 2014-2016 ozone season period show measured attainment of the 2015 ozone NAAQS in either or both of those counties, then the designation for either or both of those counties should be revised to attainment of the 2015 ozone NAAQS prior to EPA finalizing the designations on October 1, 2017. (1)

**RESPONSE:** The Department agrees. See also response to Comment #9.

- 12. COMMENT:** PADEP should not designate the bulk of Pennsylvania as unclassifiable/attainment. The remainder of the state should be designated as being in attainment of the 2015 ozone NAAQS. (1)

**RESPONSE:** The Department can submit a recommendation that areas be classified as “attainment” as opposed to the historical designation category of “unclassifiable/attainment”. However, EPA indicates in the Designation Guidance that the agency likely will continue to use the “unclassifiable/attainment” designation. This would be done to recognize the difference between an area that has demonstrated attainment with area specific monitoring (“attainment”) and those areas without monitors that EPA believes are likely in attainment and do not contribute to nearby violations (“unclassifiable”).

- 13. COMMENT:** Given the economic ramifications of the increased regulatory burden that will fall on sources located within counties designated as non-attainment for criteria pollutants, the commentator recommends DEP pursue standalone county non-attainment designation recommendations to the greatest extent possible, in part by contemplating the additional reductions expected from the implementation of various federal and state air quality regulations. (2)

**RESPONSE:** The Department has recommended both Indiana and Lebanon Counties for stand-alone county designation as nonattainment. However, the Department cannot recommend attainment based on future emissions control programs (for example, federal Tier 3 rules or Pennsylvania RACT II regulations) as EPA designations must be based on certified monitored ozone data in accordance with the CAA.

See also the responses to Comment #1 and Comment #8 regarding the inclusion of future emissions control programs in designations by EPA.

See also the response to Comment #2.

- 14. COMMENT:** DEP should have provided more time for public comment on this matter of significant public policy. It is imperative that DEP allow for a sufficient comment

period on matters of great interest to the regulated community and stakeholders writ large. The comment period on this matter was announced on August 20 and will close September 2. Ten business days is an inadequate amount of time to gather meaningful stakeholder input. The implementation of the newly revised ozone NAAQS has significant implications for businesses and industries and a robust public comment period and stakeholder involvement is necessary. (2)

**RESPONSE:** The Department appreciates the concern but disagrees that inadequate time was provided for public input. The comment period and the three public meetings held during that period were sufficient to gather public input on the Department's recommendations to EPA for designations under the 2015 ozone NAAQS. It is EPA that has the authority to make the area designations under the Section 107(d) of the CAA. EPA states on page 3 of its Designation Guidance that it plans to provide a thirty (30) day public comment period when it publishes notice of its modifications, if any, to states' recommended designations.

It is important to note that, unlike the legal requirement for public comment for regulatory and State Implementation Plan (SIP) actions by the Department, neither states nor the EPA are required to provide a public comment period or public meetings as part of the area designation process.

An EPA designation begins a process of planning by a state to bring the nonattainment areas into attainment of the NAAQS by a set date. As regulations and/or revisions to the state's SIP are developed, they are subject to statutorily-required public comment periods and additional public outreach across the state. The public will have ample opportunity to review and comment on Department actions in this regard.

15. **COMMENT:** The proposed designations were not discussed in any great detail with the Air Quality Technical Advisory Committee (AQTAC), whose meetings have on numerous occasions been cancelled this year. (2)

**RESPONSE:** The Department disagrees. Both the 2008 and 2015 ozone NAAQS and the then-current ozone monitoring design values were presented at the December 10, 2015 meeting of AQTAC. The implications of the monitors with design values greater than the 2015 ozone NAAQS were presented. In addition, the Department's proposed recommendations for nonattainment areas were stated in the Regulatory and SIP Update presentation at the August 4, 2016 AQTAC meeting. The AQTAC members held a brief discussion on the proposed recommendations. The Department explained the public comment process the Department would undertake prior to submitting the final designation recommendations.

However, recognizing that AQTAC meetings in April and June 2016 were canceled due to resource and scheduling limitations, the Department believes that even had meetings been scheduled, the time constraints for submittal of the recommendations to EPA would have precluded a presentation of final draft recommendations to AQTAC.

The final designation recommendations will be presented to AQTAC as committee scheduling allow.

- 16. COMMENT:** EPA's guidance on designation suggests states group counties based on Core-Based or Combined Statistical Areas. However, as DEP makes clear in its discussion of designating Indiana and Lebanon Counties, there is the option afforded to states to recommend individual county designations. For these reasons, DEP should recommend a non-attainment designation only for counties in which a monitor is demonstrating ozone values (for years 2013-15) of greater than 70 ppb, and DEP should also ensure that EPA recognize monitoring data from 2016 as soon as it is available before finalizing nonattainment designations next year. (2)

**RESPONSE:** As stated above, a monitor's design value is an important factor in considering whether an area is in nonattainment, but it is only one of several factors that DEP and EPA must consider to meet the requirements of the Clean Air Act.

See also the responses to Comments #2, #3, #8, #10, #11 and #13.

- 17. COMMENT:** Both DEP and EPA should set a course with respect to securing statewide attainment of the 2015 ozone standard in a manner that does not result in further job loss and economic disadvantage to the state. (2)

**RESPONSE:** The Department agrees with this goal and is mindful of it when developing plans to attain a NAAQS. The document under review at the moment, however, is the area designation recommendations, and not the methods that will be used to bring areas into attainment.

The Department's planning actions are guided in part by the Declaration of Policy in Section 2 of Pennsylvania's Air Pollution Control Act. That provision calls for the Commonwealth to balance the protection of Pennsylvania's air resources to the degree necessary for protection of public health, safety and well-being of its citizens with, among other factors, the development, attraction and expansion of industry, commerce and agriculture. (35 P.S. § 4002)

The 2015 ozone NAAQS, while estimated to cost \$1.4 billion nationally (except California), is estimated to result in \$2.9 to \$5.9 billion in health benefits nationally (except California). In California, the standard is estimated to cost \$0.8 billion with a \$1.2 to \$2.1 billion health benefit. In Pennsylvania, the health benefits will be more pronounced in the most densely populated areas already affected negatively by ambient ozone levels.

- 18. COMMENT:** While the Pittsburgh region continues to deal with the challenges of transport and the typical emissions associated with a thriving urban economy, the steady reduction in average ozone levels as well as incidences of exceeding standards indicate that existing emission control strategies are working. As evidence of our improving air quality, the ozone monitor in Harrison, historically Pittsburgh's highest reading location,

has shown a decrease in design values of nearly 11 percent over just the past four years and 16 percent in the past decade. Over the same period of time, ozone exceedances in Allegheny County have dropped from 19 in 2012, to just 2 in 2015. (3)

**RESPONSE:** The Department agrees that the historical downward trend of average ozone levels and number of exceedance days in the Pittsburgh-Beaver Valley area demonstrate the effectiveness of Pennsylvania's long-time efforts to improve ambient air quality.

HYSPLIT trajectory analysis, which shows contributions of transport into the seven-county area as provided in Appendices C and D of the proposal, indicate that long-range transport of ozone and ozone precursors, while still significant, is becoming more regional in nature, further supporting the efficacy of existing plans.

- 19. COMMENT:** We are optimistic that both DEP and EPA will acknowledge the air quality improvements that have resulted from existing control measures and will allow the current strategies to continue in the Pittsburgh region without adding additional unnecessary regulatory actions prematurely. (3)

**RESPONSE:** The Department has long acknowledged the effectiveness of existing air quality management and pollution control programs in reducing ambient concentrations of unhealthful criteria pollutants. The Department will consider and implement new regulatory initiatives for further reducing air pollution in the Commonwealth, as necessary and appropriate, consistent with legal requirements of the CAA, the APCA and the regulations thereunder and DEP's existing policy to ensure that any new program is necessary and effective.

- 20. COMMENT:** The Pittsburgh region has made tremendous strides in improving all measures of air quality, including ozone. Previously implemented measures are resulting in better air quality for everyone and will continue to do so. We look forward to working with DEP on this issue as it progresses and urge the Department to allow for appropriate public comment periods and engagement opportunities. (3)

**RESPONSE:** The Department recognizes the efforts and progress made by the Pittsburgh-Beaver Valley area in improving air quality. DEP will continue to provide appropriate opportunities for input in the development of, and comment on, proposed Department actions.

- 21. COMMENT:** The ozone design values ultimately calculated from the air quality monitoring data for 2014-2016 may be less than the 70 ppbv (part per billion by volume) ozone NAAQS, perhaps due in part of the significant decrease in nitrogen oxide (NOx) emissions. According to the National Emissions Inventory 2012-2014, NOx emissions in PA from the top three source categories decreased from 2012 to 2014 calendar years (CY) as follows:

	State-Wide NOx Emissions (1000 tons)
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Source Category *	CY 2012	CY 2013	CY 2014
Highway Vehicles	188.40	172.73	157.06
Fuel Combustion Electric Utilities	122.36	130.40	118.99
Off-Highway	71.63	66.86	62.09

Likewise NOx emissions from the electric utility industry as reported to the US EPA

State	Year	NOx Emissions (1000 tons)	Heat Input (MMBtu)	Gross Load (MW-h)	Average NOx Emission Rate (lb/MMBtu)	Average NOx Emission Rate (lb/MW-h)
PA	2013	133.82	1.28E+09	1.34E+08	0.21	1.99
	2014	122.70	1.21E+09	1.26E+08	0.20	1.95
	2015	96.82	1.13E+09	1.18E+08	0.17	1.64
	2016 Jan-Jun	39.15	4.92E+08	5.05E+07	0.16	1.55

Clean Air Markets Division show a similar trend. (4)

**RESPONSE:** The Department agrees that certified 2014-2016 monitoring may indicate attainment for monitors where 2013-2015 monitoring does not. Further, the Department agrees that a potential reduction in overall 2016 NOx emissions, among other factors, may contribute to an ultimate lowering of 2016 monitored design values. See also the response to Comment #9.

**22. COMMENT:** Additional statewide NOx emission reductions are expected beginning in 2017 in response to both the EPA Tier 3 Vehicle Emission and Fuel Standards Program and the Department's NOx and VOC RACT II rule. (4)

**RESPONSE:** The Department agrees that both the EPA Tier 3 and Pennsylvania RACT II rule will provide NOx reductions following their implementation in 2017. The reductions are described in the programs' respective rulemaking documents.

See also the responses to Comment #1 and Comment #8.

**23. COMMENT:** Commentator supports the designation of Philadelphia County as a nonattainment area as Philadelphia has exceptionally high rates of asthma, especially among minorities and the poor. (5)

**RESPONSE:** The Department thanks the commentator for the support of its recommendation and recognizes the challenges faced by urban centers such as Philadelphia.

**24. COMMENT:** We urge the DEP to request of EPA a further lowering of the ozone standard, dropping it from 70 to 65 ppb or lower, to provide additional protection from the harmful effects of ozone. (5)

**RESPONSE:** The Department will continue to participate in the periodic EPA review and update process of all NAAQS, in accordance with the CAA. This process ensures that EPA uses the latest available scientific data to determine whether a new or revised NAAQS is needed.