

WESTERN STATES AIR RESOURCES COUNCIL



October 9, 2007

Air and Radiation Docket and Information Center  
U.S. Environmental Protection Agency  
Mail Code 6102T  
1200 Pennsylvania Ave., NW  
Washington DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2005-0172

Dear Sir or Madam:

The Western States Air Resources (WESTAR) Council, an association of 15 western state air quality managers, appreciates the opportunity to comment on the proposed revision to the National Ambient Air Quality Standard (NAAQS) for ozone. Individual WESTAR members will provide comments on the proposal that will focus on the level and form of the standards and emphasize EPA's obligation to set the standards based on science, without regard to implementation issues. WESTAR's comments assume that EPA will adopt new, lower ozone standards, and based on that assumption will focus on the impact of the revised standards in the West, the funding and resources needed to evaluate and implement programs to address ozone under revised primary and secondary ozone standards, and the potentially far reaching impacts of EPA's proposal for a secondary standard.

If EPA adopts a primary standard in the proposed range of 0.70-0.75 ppm, it is likely that there will be many large new non-attainment areas in the western states, with transported pollution significantly contributing to most of the new problem areas. This is not a new issue to many states, especially those in the eastern United States, where extraordinary efforts have been made to understand the complex issues associated with regional transport. With financial support provided primarily through the Ozone Transport Commission (OTC), those states have developed the technical capabilities that are needed to determine the source-receptor relationships across geopolitical boundaries and to identify the most cost effective response to unhealthy levels of ozone throughout most of the eastern U.S. Partly as an outgrowth of that analysis, EPA has implemented several

important emission reduction programs that have resulted in significant air quality improvements, including the NOx SIP call and the Clean Air Interstate Rule (CAIR).

The significant improvements in air quality in the eastern U.S. would not have been possible without the financial support that has been provided to the OTC to assist in evaluation and planning, and the funding to implement the NOx SIP call and CAIR. Though western states did not benefit from these programs, the funds used by EPA were taken “off the top” of funds provided by Congress to support all state and local air quality management agencies. The effect of these “off the top” allocations has been to reduce the funding available to western state and local programs. Western states have accepted these reductions understanding the importance of, and the costs associated with building the necessary capacity to address this regional problem.

With EPA’s promulgation of a new ozone standard in the proposed range, the western states will be in the same position as the eastern states were 20 years ago – faced with a complex regional-scale problem affecting a vast geographic area without the capacity to evaluate the underlying causes and effects, much less assess the most cost-effective solutions to address the problem. Accordingly, we expect EPA to provide funding commensurate with that provided to support the OTC, NOx SIP call and CAIR work. A new, lower ozone standard will result in new work for many western states. The funding needed by the western states to address this important new challenge should not be a reallocation of existing funds currently being used to carry out other important air quality management programs, nor should it adversely impact ongoing air quality improvement efforts in other regions of the country.

A new secondary standard to protect against ecological impacts from ozone will significantly impact many mostly rural western states. Monitoring will be needed to determine status of compliance in these areas, where little or no data is currently available. If a problem is found, credible analysis will be needed to justify the imposition of controls. It is our understanding that EPA may propose to use modeling instead of monitoring to establish non-attainment area boundaries for the secondary standard in some instances. This approach raises several concerns, both from a technical and policy perspective. EPA should consult with state and local agencies prior to developing guidance on the use of modeling in lieu of monitoring to determine status of compliance, to establish non-attainment area boundaries, and to identify nearby areas that may be contributing to exceedances of the secondary standard. Finally, as discussed before with respect to the proposed new primary standard, EPA will need to provide significant funding to states, first to identify areas that violate the new secondary standard, then to evaluate the most cost effective emission reduction options.

In summary, EPA should adopt new standards for ozone based on science, without regard to implementation issues. Under the assumption that EPA will adopt new, lower ozone standards, western states will need to develop the expertise and capacity to assess the status of compliance with the new standards over a vast geographic area, and to

evaluate and implement emission reduction options. To accomplish this effectively and on a timely basis, the western states will need additional financial support commensurate with that provided to the eastern states over the past two decades.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Gustafson", followed by a long horizontal line extending to the right.

Brian Gustafson, President  
Western States Air Resources Council