



February 5, 2018

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Submitted via Regulations.gov

RE: EPA Responses to Certain State Designation Recommendations for the 2015 Ozone National Ambient Air Quality Standards, Docket ID. No. EPA-HQ-OAR-2017-0548

Dear Administrator Pruitt:

The American Lung Association, the American Public Health Association, and the Alliance of Nurses for Healthy Environments are pleased that the U.S. Environmental Protection Agency has finally shared its proposed list of counties that fail to attain the 2015 Ozone National Ambient Air Quality Standards. Americans most harmed by unhealthy ozone did not deserve to have to wait for months to get these preliminary reports; they were due last summer. Unfortunately, their wait is not over yet: your agency has promised in court documents to make the earliest final designations by April 30, 2018, seven months after the October 1, 2017 deadline required under the Clean Air Act.

Ozone at levels monitored across the nation poses serious, in fact, life-threatening risks to health. Evidence from studies around the nation show that ozone worsens coughing and wheezing, causes asthma attacks and increases the risk of premature death.¹ Ozone also has been linked to reduced lung function in children. In the United States, approximately 26.5 million people have asthma, including 6.1 million children.² They deserve clean air wherever they live, so this step is crucial.

The careful analysis of the data, emissions, and geography that EPA staff completed and shared with the public provides a substantial basis to support EPA's recommendations for most of the proposals. EPA's evaluation of the ozone problem generally includes consideration of emissions from a broader area than just within the boundaries. Our organizations support that essential, broader perspective. Fortunately, EPA acknowledges the role of transported emissions; still, despite that, several areas discussed below should be revised to include the larger areas affected by transported ozone.

¹ U.S. Environmental Protection Agency. *Integrated Science Assessment of Ozone and Related Photochemical Oxidants (Final Report)*. U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-10/076F, 2013.

² Centers for Disease Control and Prevention. National Health Interview Survey, 2016. Analysis by the American Lung Association Epidemiology and Statistics Unit Using SPSS Software.

Chicago, IL-IN-WI

The counties along Lake Michigan in Michigan and Wisconsin should be included in the Chicago, IL-IN-WI nonattainment area.

EPA appropriately included Kenosha County, Wisconsin, in the Chicago, IL-IN-WI nonattainment area because of ozone levels recorded there that came from emissions from the Chicago metro area. EPA's analysis shows that six additional counties proposed as individual nonattainment areas in Michigan and Wisconsin also receive transported emissions from the metro Chicago area portions. Allegan County, Berrien County and Muskegon County in Michigan and Sheboygan County, Manitowoc County and Door County in Wisconsin all have monitors violating the ozone standard; none have significant populations or local or adjacent sources to supply the emissions to create the problem recorded at those monitors. EPA's tracking of the emissions trails shows that the clear majority come from the broad metro Chicago area. These counties should therefore be treated as Kenosha County is and included as part of the Chicago, IL-IN-WI nonattainment area.

EPA's current proposal limits these counties' ability to ensure that they meet the standard quickly. EPA argues that these represent areas outside of the Chicago metropolitan area, so they separate the designations. With limited sources under their authority, these counties cannot take actions individually to control or reduce emissions coming into these counties. Fortunately, if national measures including the 2016 Cross-State Air Pollution Rule and the 2014 Tier 3 standards remain in effect, these counties will have federal help to meet the standards. However, if included as part of the larger metro area planning and implementation, those counties would have a stronger voice in ensuring improvements to protect the health of their residents.

Sacramento Metro, California

The nonattainment area proposed for the Sacramento metropolitan area should be expanded to include Amador County, Calaveras County, western Nevada County and all of Sutter County. EPA proposed each of these counties as a separate nonattainment area, despite the convincing evidence of the impact of transported emissions from the metropolitan Sacramento area. They should be added to the counties identified as part of the Sacramento Metro area: Sacramento County; Yolo County; eastern Solano County; southern Sutter County; western Placer County; and western El Dorado County.

EPA's detailed analyses of the populations, emission sources and trajectories of the emissions provides convincing evidence that the ozone levels in these counties is driven primarily by emissions from the metropolitan Sacramento area. EPA follows traditional boundaries that minimize or ignore that impact.

Sutter County provides the best example of the disconnect in this decision. All of Sutter County is part of the Sacramento-Roseville Combined Statistical Area, yet Sutter County currently incorporates two widely separated nonattainment areas under the 2008 standard. The southern part of the county is appropriately included in the current (2008) Sacramento nonattainment area. But the elevated Sutter Buttes themselves are extracted from the rest of the county and made their own isolated nonattainment area despite having no population and no sources of emissions inside the 11-mile diameter boundaries. The source of their high ozone readings is unquestioned: transported ozone from the Sacramento and San Francisco areas. But EPA and California have historically treated them as a separate nonattainment area and continue to draw that line in this recommendation.

EPA analyzes Amador County, Calaveras County and Nevada County separately because these counties have separate air districts and only Nevada County is included in the Sacramento Combined Statistical Area. Yet these analyses support EPA's and California's own conclusions that their ozone readings reflect the significant impact of emissions and ozone coming from the Sacramento metro area. Despite those well-researched conclusions, EPA and California both recommend maintaining the current, disconnected approach to the shared problem. EPA should reconsider these decisions.

Las Cruces, New Mexico/ El Paso, Texas

The Las Cruces, New Mexico nonattainment area should be expanded to include El Paso, Texas. El Paso and Las Cruces are part of a Combined Statistical Area that incorporates all of Doña Ana County in New Mexico and El Paso County and Hudspeth County in Texas. EPA correctly used the entire CSA to determine the nonattainment area boundaries based on the violating monitor in Las Cruces County. However, EPA concludes that the sole area of nonattainment should be roughly the city of Sunland Park, part of the metro Las Cruces area adjacent to the borders with Texas and Mexico. El Paso was originally found independently in violation of the standard; with additional information from Texas on an exceptional event day, EPA agreed that El Paso separately was in attainment.

EPA identifies Mexico as the largest source of emissions into the monitor in Las Cruces, but El Paso contributes considerably more emissions than all of Doña Ana County. El Paso has far more large point sources than does the proposed nonattainment area. El Paso County also has four times the population of all of Doña Ana County.

El Paso contributes too much to the ozone violation in Las Cruces to isolate the nonattainment area to this tiny corner of Doña Ana County. To give Las Cruces the greatest opportunity to reduce emissions from sources within the United States and meet the standard, El Paso must be part of the nonattainment area.

San Antonio, Texas

The multi-county San Antonio metropolitan area should be designated nonattainment. San Antonio appears to be receiving unique and inappropriate treatment from EPA in this review, which has resulted in EPA proposing to delay reaching a decision on San Antonio's status until August 10, 2018.

Bexar County has a design value of 73 ppb for 2014-2016, which is well in violation of the standard. In his September 30, 2016 letter to EPA, Governor Abbott had recognized that Bexar County was in violation and recommended EPA declare the county in nonattainment based on the 2013-2015 data.³ One year later, on September 27, 2017, the governor sent another letter to EPA on San Antonio, with vague comments about additional data, combined with predictions of economic costs and threats to national security if San Antonio were determined nonattainment.⁴

In all other cases in the nation, EPA completed and published a detailed technical report examining the major sources, population, traffic, emissions patterns and other aspects to determine which additional counties should be included in the nonattainment designation. EPA did not provide such a report to

³ [Letter from Governor Greg Abbott to Acting Assistant Administrator Janet McCabe and Regional Administrator Ron Curry](#), U.S. EPA, September 30, 2016.

⁴ [Letter from Governor Greg Abbott to Administrator Scott Pruitt, U.S. EPA](#), September 27, 2017.

Texas for San Antonio, although the agency did such analyses for Dallas-Fort Worth, Houston, and El Paso.

EPA omitted any mention of the San Antonio area in its December 22, 2017 response to Texas, unlike for all other counties in Texas with violating monitors.⁵ Instead, EPA told the state that they would designate all other counties as in attainment “where the agency has received complete information, except as indicated in the state letters to EPA.” That response differed greatly from EPA’s response in other states, even where EPA was still reviewing questioned data. For example, in Pennsylvania, EPA informed the state that the agency was proposing to designate two nonattainment areas, but was also reviewing the data that the state had provided and might revise both designations after that review.

EPA’s first specific discussion of the metro area came in a belated follow-up letter to the governor on January 19, 2018.⁶ In that letter, the agency clarified that San Antonio was still in review, and explicitly asked the state if they had more information that they wanted to share with EPA, based on the September 27, 2017 letter. The timing of that letter seemed tied to legal filings that EPA had provided to the courts that same day that specifically discussed the allegedly promised data and postponed the designation for the area until August 10, 2018.⁷

EPA should not delay any further the assessment of the San Antonio metro area to determine which, if any, other counties should be included in the nonattainment area. By delaying its designation further, EPA would continue to place the public at risk.

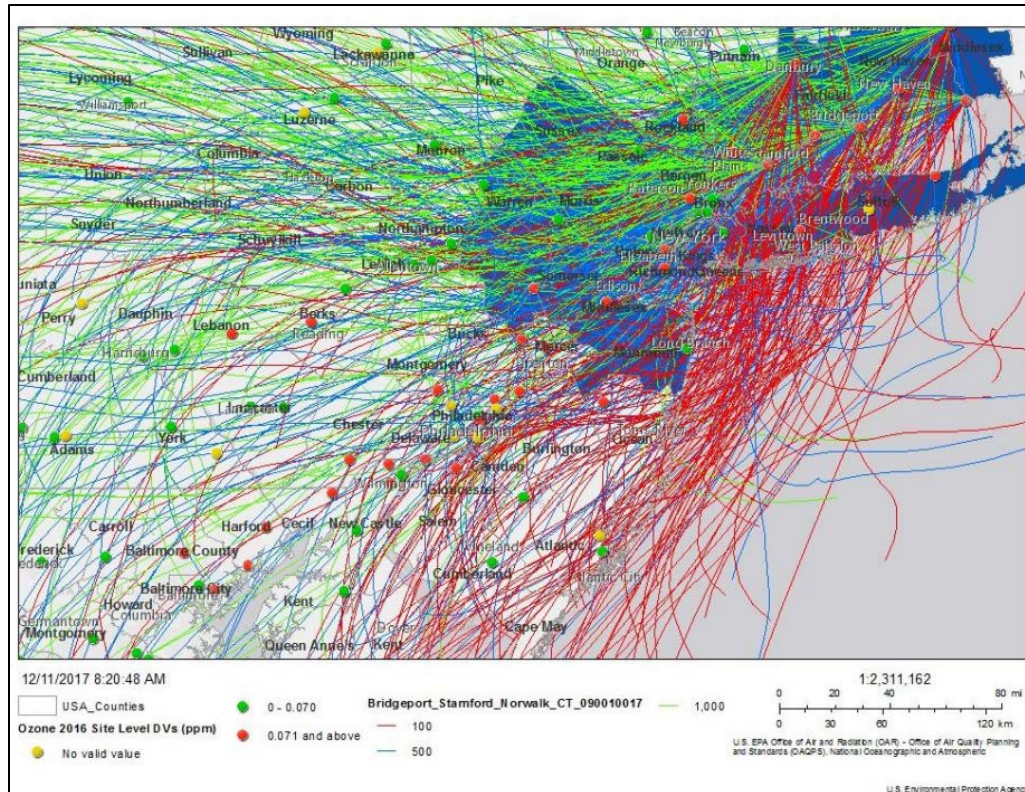
[New York-Northern New Jersey-Long Island, NY-NJ-CT](#)

EPA needs to use the broadest possible boundaries to protect the health of the people in the Northeast Corridor. EPA’s recommendations for the metropolitan area include counties in New York, New Jersey and Connecticut, following the same counties as defined under the 2008 and the 1997 nonattainment areas. However, since then, EPA has recognized that this region suffers from ozone transported from many states, including those far beyond the boundaries drawn here. EPA’s tracking of emissions into Connecticut—including Fairfield County, the county with the highest ozone design value in the eastern half of the United States—shows the powerful impact of emissions from far beyond these boundaries. The map below from EPA’s Technical Support Document shows the red lines tracking ozone above 71 ppb pouring into the metro area from most of the mid-Atlantic region.

⁵ [Letter from Regional Deputy Administrator Samuel Coleman, U.S. EPA, to Governor Greg Abbott](#), December 22, 2017.

⁶ [Letter from Regional Administrator Anne Ildal, U.S. EPA, to Governor Greg Abbott](#), January 19, 2018.

⁷ U.S. Department of Justice. Opposition to Motion for Summary Judgement, American Lung Association, et al v EPA and State of California et al, v EPA. Case no. 4:17-CV-06900 (consolidated with 4:17-CV-06936), filed January 19, 2018.



HYSPLIT Back Trajectories for Connecticut Violating Monitors in the New York Metro Area.

Figure 6B in the Technical Support Document for the New York-Northern New Jersey-Long Island, NY-NJ-CT Nonattainment Area.

As EPA noted, both Connecticut and New Jersey recommended much larger nonattainment areas in recognition of the transported ozone, as both states did for the 2008 standard. EPA acknowledged the transport in the Technical Support Document, but maintained that the smaller areas reflected EPA's arguments that regional strategies such as the Ozone Transport Region could adequately deal with the issues of long-range transport. EPA's most recent update to the Cross-State Air Pollution Rule, based on a careful state-by-state analysis, found that sources contributing to violations in Connecticut came from as far away as Ohio. However, EPA's decision in October 2017 to exclude Ohio and other such states from the Ozone Transport Region, despite New York and other states having gone to court to get them included, shows the limited ability for the states to use such regional strategies.⁸

EPA recognizes that for many of these areas, including the metropolitan areas of Philadelphia-Wilmington-Atlantic City, Baltimore, MD and Washington, DC-MD-VA, more localized control measures are crucial to enable them to meet the standards in their own multi-county and multi-state areas. They are not just providing pollution that hits metro New York. EPA chose to draw those nonattainment areas separately, incorporating most of, although not all, of the counties that Connecticut and New Jersey recommended. Still, EPA's decisions limit the ability of the metropolitan New York-New Jersey-Connecticut area to take steps as part of a regional body to reduce ozone from states that contain sources that EPA's own assessments have found contribute to ozone nonattainment in the metro area.

EPA should review and reconsider this decision to define this nonattainment area so narrowly. EPA needs to prepare additional tools to help this region and others meet the standard, including an

⁸ Szekely P. "[Northeast states sue EPA over air pollution from Midwest.](#)" Reuters, December 26, 2017.

updated Cross-State Air Pollution Rule under the 2015 standard and revisiting the flawed October 2017 decision to limit the Ozone Transport Region.

[EPA needs to act swiftly to formally designate nonattainment areas](#)

EPA has acknowledged its failure to meet the deadline established under the Clean Air Act, a deadline for which the Agency had previously recognized and developed a realistic schedule to achieve in October 2015. EPA's actions have resulted in unnecessary and prolonged delay in areas taking steps to protect their residents and develop a successful plan to reduce emissions.

The American Lung Association, the American Public Health Association, and the Alliance of Nurses for Healthy Environments urge EPA to allow no further delays to complete this review and protect the health of all Americans.

Sincerely,

American Lung Association

American Public Health Association

Alliance of Nurses for Healthy Environments