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Mr. Krish Ramamurthy  
Director, Bureau of Air Quality  
Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

Sept. 1, 2016

**RE: Proposed Designation Recommendations for the 2015 Ozone Standards – 46 Pa.B. 5162**

Mr. Ramamurthy,

On behalf of the Pennsylvania Chamber of Business and Industry (the PA Chamber), the largest, broad-based business advocacy association in the Commonwealth, I am writing in regard to the Pennsylvania Department of Environmental Protection's (PA DEP) Proposed Designation Recommendations for the 2015 Ozone Standards, as announced in 46 Pa.B. 5162 and described more fully in the document "Proposed Designation Recommendations for the 2015 Eight-Hour Ozone National Ambient Air Quality Standards" that is available on the DEP website.<sup>1</sup> 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 PA Chamber 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. The PA Chamber also notes DEP should have provided more time for public comment on this matter of significant public policy.

For several decades, the PA Chamber has been actively involved in issues relating to the stewardship of Pennsylvania's natural resources, including air quality, bringing perspective of the regulated community on a number of significant regulatory and public policy matters. The PA Chamber seeks laws, regulations and policies based on sound principles that are reasonable, technologically feasible and cost-effective to protect and enhance public health and the environment without placing in-state businesses at a competitive disadvantage.

In order to provide perspective on these matters, 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 Aug. 20 and will close Sept. 2. Ten business days is an inadequate amount of time to gather meaningful stakeholder input. While we recognize DEP is due to present proposed designations to EPA by Oct. 1, 2016, the 70 ppb ozone standard was finalized nearly a year ago and EPA's guidance to states was finalized in Feb. 2016.<sup>2</sup> Further, to our knowledge, these proposed designations were not discussed in any great detail with the Air Quality Technical Advisory Committee, whose meetings have on numerous occasions been cancelled this year. 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.

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<sup>1</sup> Available at

[http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Regulations%20and%20Clean%20Air%20Plans/attain/Ozonedes/2015\\_NAAQS\\_Ozone\\_Designation\\_Recommendations.pdf](http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Regulations%20and%20Clean%20Air%20Plans/attain/Ozonedes/2015_NAAQS_Ozone_Designation_Recommendations.pdf)

<sup>2</sup> EPA Memorandum: Area Designations for the 2015 Ozone National Ambient Air Quality Standards. <https://www.epa.gov/sites/production/files/2016-02/documents/ozone-designations-guidance-2015.pdf>

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With respect to the proposed designations themselves, it is important to note that the entire state is meeting the 2008 ozone standard of 75 ppb. The design values being used, as described in a 2015 AQTAC meeting and further described in DEP's proposed designation document, make clear that nearly all monitors in the state are also meeting the new standard of 70 ppb. While Pennsylvania is included in the Ozone Transport Region (which in and of itself disadvantages the state in its ability to attract investment that would include facilities that would be major sources of emissions), there are also potentially significant regulatory ramifications for sources located within counties that are designated as non-attainment. These additional regulatory requirements can discourage new investment into those counties and also make it more difficult for existing sources to be economically viable. Pennsylvania's unemployment rate has grown and increased by a full percentage point since the start of 2016, with manufacturing, mining and construction sectors bearing most of the weight of job losses.<sup>3</sup> DEP should take care in implementing the 2015 ozone NAAQS so as not to further exacerbate this discouraging trend. In order to do so, to the greatest extent possible, DEP should recommend standalone county non-attainment designations and designate all other counties as attainment.

We recommend DEP propose to EPA that for the handful of counties in which a monitor is reading at greater than 70 ppb that only that county be placed into non-attainment, rather than the multi-county region the county may have been placed into in the past. We understand that EPA's guidance on this matter 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 designations 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 non-attainment designations next year. DEP's proposed designation document describes several regulatory requirements at work that will continue to result in additional reductions of ozone precursor emissions, such as RACT II, CSAPR and Tier 3 gasoline. DEP's proposed designation document notes that EPA allows states to recognize "level of control on emissions sources," which was previously not included in NAAQS implementation guidance. DEP should contemplate these additional emissions reductions that will occur from RACT II, CSAPR, Tier 3 gasoline and other requirements when proposing non-attainment designations.

There has been a significant and documented decrease in emissions of criteria pollutants across Pennsylvania over the past decade. This is a trend the members of the PA Chamber are committed to helping continue in good faith and in partnership with regulators. 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. The PA Chamber appreciates DEP staff efforts on this and for their attention to these comments.

Sincerely,



Kevin Sunday  
Director, Government Affairs  
Pennsylvania Chamber of Business and Industry

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<sup>3</sup> Local Area Unemployment Statistics: Pennsylvania, Statewide. United States Department of Labor Bureau of Labor Statistics.  
<http://data.bls.gov/timeseries/LASST420000000000003>