

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Control Measures under Consideration by the Ozone Transport Commission; Public Comment Period

The Department of Environmental Protection (DEP) is seeking comments on control measures under consideration by the Ozone Transport Commission (OTC) for the attainment and maintenance of the ozone national ambient air quality standards (NAAQS). This public comment period is consistent with the requirements of Section 7.4 of the Pennsylvania Air Pollution Control Act, 35 P.S. § 4007.4, which requires an opportunity for public review and comment on control strategies that will be recommended by the OTC for adoption.

The OTC, a multi-state organization created under Sections 176A and 184 of the federal Clean Air Act (CAA), is authorized to develop recommendations for additional control measures to mitigate the transport of ozone and its precursors in the Ozone Transport Region (OTR) established by operation of law. In addition to the Commonwealth of Pennsylvania, the OTR is comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, northern Virginia and the District of Columbia.

In March 2008, the U. S. Environmental Protection Agency (EPA) established primary and secondary ozone national ambient air quality standards (NAAQS) of 0.075 parts per million (ppm) or 75 parts per billion (ppb). In response to litigation, EPA Administrator Lisa Jackson announced that the agency would reconsider the March 2008 ozone NAAQS and adopt a standard more protective of public health and the environment. Notice of the revised primary ozone standard ranging from 0.060 to 0.070 ppm (60 to 70 ppb) was published in the *Federal Register* on January 19, 2010. In addition, EPA also proposed a new cumulative, seasonal “secondary” standard ranging from 7-15 ppm-hours to protect sensitive vegetation and ecosystems. (75 Fed. Reg. 2938) The final ozone standards are expected in August 2010. When EPA establishes a NAAQS, States must submit State Implementation Plan (SIP) revisions to demonstrate attainment and maintenance of the NAAQS in a timely fashion.

Based on current ozone data, most areas of the Commonwealth will be designated as nonattainment if EPA adopts a primary ozone standard of 0.060 or 0.065 ppm. During the implementation of the 2010 ozone NAAQS, Pennsylvania will work cooperatively with the member states of the OTC and other regional organizations to develop cost-effective strategies for attaining the NAAQS and to develop the necessary air quality attainment demonstrations.

The OTC has adopted resolutions setting forth the process and schedules for developing these strategies and attainment demonstrations, including work by mobile, stationary and area source, and modeling committees. The OTC and its member states have held public meetings for stakeholders, most recently on March 16, 2010, on potential control

measures. DEP staff has reviewed stakeholder comments submitted to the OTC during the most recent comment period that closed April 6, 2010.

The OTC is planning to consider action in June 2010, by which member states would commit to pursue the following control strategies:

- NOx controls on new natural gas-fired industrial, commercial, and institutional boilers, steam generators, process heaters and water heaters;
- NOx controls on oil and natural gas-fired boilers serving electric generating units;
- NOx controls on stationary generators;
- VOC controls on consumer products;
- VOC controls on architectural, industrial and maintenance coatings; and
- VOC controls on large above-ground storage tanks.

Materials describing the potential control measures can be found on DEP's Web site at www.depweb.state.pa.us, choose Air Quality. Additional materials can be found at the OTC Web site, www.otcair.org, choose "Meetings."

Comments should be sent by May 28, 2010, to Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P.O. Box 8468, Harrisburg, PA 17105-8468 or by e-mail to ashulman@state.pa.us. DEP will consider and retain all comments, but will not prepare a comment and response document.

Adoption by the OTC of any of these measures is considered a commitment by signatory states to pursue legislative or regulatory action to adopt and implement these measures. Any control measure proposed for promulgation in Pennsylvania would be subject to the Commonwealth's notice and comment rulemaking process under the Commonwealth Documents Law, Regulatory Review Act and Commonwealth Attorneys Act.

JOHN HANGER
Secretary