



February 24, 2026

U.S. Environmental Protection Agency
EPA Docket Center, Docket ID No. EPA-HQ-OAR-2025-0192
Mail code: 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket No. EPA-HQ-OAR-2025-0192

Re: Interstate Transport Plan Review for the 2015 Ozone NAAQS. 91 FR 4026 (January 30, 2026)

The Pennsylvania Department of Environmental Protection (PADEP) appreciates the opportunity to provide comments regarding the United States Environmental Protection Agency's (EPA) proposed Interstate Transport Plan Review for the 2015 Ozone NAAQS¹. This proposed action would approve State Implementation plans (SIPs) from 8 states – Alabama, Arizona, Kentucky, Minnesota, Mississippi, Nevada, New Mexico and Tennessee – to find that these states do not significantly contribute to the nonattainment or interfere with maintenance of the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) in other states. EPA's proposed action would also remove EPA's authority to lift the stays on the Good Neighbor Plan and the Federal Implementation Plans for Alabama, Kentucky, Minnesota, Mississippi, and Nevada and would thus resolve the affected states' interstate transport requirements.

Ground-level ozone is formed when precursor pollutants of nitrogen oxides (NOx) and volatile organic compounds react with sunlight. Ozone is one of the primary components that make up "smog" which decreases visibility and has been known to trigger a variety of health problems. Ozone is a highly reactive gas that reacts with living tissue and can irritate the airways. Repeated exposure to ozone pollution may cause permanent damage to the lungs. In July 2025, Pennsylvania, along with New Jersey, Maryland and Delaware, requested to reclassify the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE ozone nonattainment area (Philadelphia nonattainment area) from "moderate" to "serious" for the 2015 8-hour ozone national ambient air quality standard.² This applies to Bucks, Chester, Delaware, Montgomery and Philadelphia counties in Pennsylvania. Every pound of reduced emissions is crucial in addressing the requirements in the Clean Air Act (CAA) for a serious nonattainment area and to protect Commonwealth residents and visitors from the negative impacts of ozone pollution.

Attainment of the NAAQS is determined by taking the three-year average of the 4th-highest daily maximum average ozone concentration, or a design value (DV). Pennsylvania operates seven monitors in the Philadelphia nonattainment area. In 2023, one site, Bristol, was in nonattainment for the 2015 ozone NAAQS with a DV of 73 ppb. Although this is an improvement from the 2015-2018 period where six sites exceeded the 2015 Ozone NAAQS, the continued nonattainment of the Bristol monitor required PADEP to reclassify the area as Serious nonattainment, as previously mentioned.

¹ 91 FR 4026 (Jan. 30, 2026)

² 89 FR 61026 (July 30, 2024)

Section 110 of the CAA requires states and EPA to do more than the established requirements to mitigate interstate air pollution with respect to many NAAQS including the 2015 Ozone NAAQS. Section 110(a)(2)(D)(i)(I), also known as the “good neighbor” provision requires SIPS to include provisions that prohibit pollution that would significantly contribute to nonattainment or interfere with the maintenance of a NAAQS. The proposed action would reduce the threshold of what would be considered a “significant contribution” to be 1 ppb instead of the previously established 1% of the NAAQS. This action ignores that the previous threshold has been validated by the United States Supreme Court in its 2014 EPA v. EME Homer City Ruling.³

The Ozone Transport Commission (OTC), a multi-state organization created under the CAA for developing and implementing regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic Region, has a photochemical modeling platform with a feature to measure the impacts of interstate ozone pollution.⁴ This model includes contribution assessment results which indicate how much of an impact downwind states have on upwind states’ measured ozone exceedances. Table 1, below, shows the contribution of emissions from Kentucky, a non-OTC state, measured at Pennsylvania’s Bristol Monitor.

Table 1. Kentucky Contribution to Bristol PA Monitor Ozone Nonattainment

Averaging Period	2023 Actual Ozone DV (ppb)	Model Average (ppb)	Kentucky Contribution to 2023 DV (ppb)
Top 10 days	73	72.9	0.90
Top 4 days	73	75.2	1.16
All exceedance days	73	72.6	0.90

When averaging the top 10 modeled ozone concentration days in accordance with the EPA’s approach,⁵ this model showed that for the analysis year of 2023, Kentucky contributed 0.9 ppb to the ozone design value. The same data averaged over the top 4 days, the averaging period that informs the ozone design value, shows that Kentucky contributed 1.16 ppb to the design value. This indicates that emissions from the Commonwealth of Kentucky were a part of the measured exceedances at this monitor. Under the current threshold (1% of the NAAQS), the interstate contribution from the Commonwealth of Kentucky is considered significant; however, the contribution would be ignored if the less stringent threshold of 1 ppb were finalized by EPA. Kentucky’s impact on the Philadelphia nonattainment area is just one example of the contribution an upwind state can have on a downwind state. The proposed action would not only resolve Kentucky’s interstate transport obligations established in the CAA, to Pennsylvania’s detriment, it would also set a dangerous precedent to allow upwind states less accountability to the effects of their pollution on downwind states.

³ Env’tl. Prot. Agency v. EME Homer City Generation, L. P., 572 U.S. 489 (2014)

⁴ Ozone Transport Commission/Mid-Atlantic Northeastern Visibility Union 2016 Based Modeling Platform Support Document – January 2023 1st version (January 30, 2023), available at https://otcair.org/upload/Documents/Reports/2016TSD_January2023_withAppendices.pdf

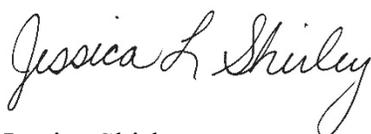
⁵ United States Environmental Protection Agency Office of Air Quality Planning and Standards, Air Quality Modeling Final Rule Technical Support Document 2015 Ozone NAAQS Good Neighbor Plan. <https://www.epa.gov/system/files/documents/2023-03/AQ%20Modeling%20Final%20Rule%20TSD.pdf>

Consequently, compliance obligations will be shifted to downwind states should upwind states not make appropriate emission reductions and fail to eliminate significant contribution to nonattainment and interference with maintenance on downwind states. Currently, states in the Northeast and Mid-Atlantic have stricter and more uniform controls and requirements for various industry types. A summary of data from EPA's Clean Air Markets Program Data (CAMPD) indicated that in 2023, coal-fired power plants in states within the OTC operated above an emission rate threshold of 0.14 lb NO_x/MMBtu for 640 hours, compared to units in non-OTC states that operated above the threshold for 253,557 hours.⁶ When analyzing this data, PADEP included data from Alabama, Arizona, Kentucky, Minnesota, Mississippi, Nevada, and Tennessee, seven out of eight states have SIPs that EPA is proposing to approve in this action. This speaks to the scale of emissions that are controlled within the OTC versus those that are left uncontrolled by non-OTC states. Control technology that is available in the OTC is often more costly and creates an unfair burden on downwind states. This is particularly true because other large sources of emissions are typically not within a state's authority to regulate, such as emissions from on-road vehicles.

The proposed action is a significant change in the precedent of how EPA has defined interstate transport and interpreted what is considered significant contribution to nonattainment and interference with maintenance areas. The PADEP respectfully notes that a 30-day comment period is not sufficient time to fully analyze and comment on the technical accuracy of the claims made within the proposal. The Commonwealth is prepared, however, to contend that the proposed approval of eight SIPs without fully satisfying their interstate transport obligations is contrary to PADEP's responsibility to attain the 2015 ozone NAAQS.

PADEP appreciates the opportunity to provide comments on EPA's proposal to approve SIP revisions in reference to the Interstate Transport Plan Review for the 2015 Ozone NAAQS. Should you have any questions or need additional information, please contact Nick Lazor, Director of the Bureau of Air Quality by e-mail at nlazor@pa.gov

Sincerely,



Jessica Shirley
Secretary

Enclosures

⁶ United States Environmental Protection Agency (EPA). "Clean Air Markets Program Data." Washington, DC: Office of Atmospheric Protection, Clean Air and Power Division. Available from EPA's Air Markets Program Data web site: <https://campd.epa.gov/>.