

**Proposed Pittsburgh-Beaver Valley Area Ozone  
Maintenance Plan and Request for Redesignation as  
Attainment for Ozone**

**Comment and Response Document**

May 15, 2001

Bureau of Air Quality  
Department of Environmental Protection

**PROPOSED PITTSBURGH-BEAVER VALLEY AREA OZONE MAINTENANCE PLAN  
AND REQUEST FOR REDESIGNATION AS ATTAINMENT FOR OZONE**

**Comment and Response Document**

The Department of Environmental Protection published a notice of comment period on March 31, 2001 in the Pennsylvania Bulletin (31 *Pennsylvania Bulletin* 1808). The public comment period closed on May 2, 2001.

This document summarized the comments received during the public comment period. Comments have been summarized and consolidated. A response to each comment is provided. Please note the number in parenthesis after each comment refers to the number of the commentator.

### List of Commentators

Number	Commentator
1	Nancy F. Parks, Chair Clean Air Committee Pennsylvania Chapter Sierra Club 201 West Aaron Square P.O. Box 120 Aaronsburg, PA 16820-0120
2	Suzanne Seppi Executive Director Group Against Smog and Pollution P.O. Box 5165 Pittsburgh, PA 15206
3	Harold D. Miller Director The Southwestern Pennsylvania Growth Alliance 425 Sixth Avenue Suite 1000 Pittsburgh, PA 15219
4	Francis W. Jackson 110 Summit Ave Hatboro, PA 19040

## RESPONSE TO COMMENTS

1. While no violations of the National Ambient Air Quality Standard (NAAQ) were measured, the area has recorded exceedances and has not been consistently under the NAAQS. Therefore, the Pittsburgh-Beaver Valley area should not be redesignated to attainment for the one-hour ozone standard. (1, 2)

Response: It is correct that several monitors have measured exceedances of the one-hour standard. However, as shown in Figure 1-2 the number of exceedances continues to decrease in spite of the increase in the number of monitoring sites. The one-hour ozone standard allows up to three exceedances at a monitor over the three-year assessment period. The data analysis was completed using the appropriate regulations and guidance documents. This data and its analysis, demonstrates that the ozone strategies put in place by the Commonwealth, in partnership with the U.S. Environmental Protection Agency (EPA) and local stakeholders, have resulted in long-term improvement of air quality in the Pittsburgh area even during hot summer periods like 1999. More importantly, this data and its analysis supports the Commonwealth's redesignation request because it meets the Clean Air Act's legal requirements for redesignation. Consequently, there is no legal or scientific reason why the area should not be redesignated.

2. The area is only attaining because of the cool summer of 2000. The data presented in the Maintenance Plan show a warming trend and thus the area may go back into nonattainment. (1, 2)

Response: EPA defined the legal attainment standard to be a three-year average. This three-year average takes into account the impact of hot and/or cool seasons may have on an area's ability to achieve the one-hour standard. For example, 1999 was a hot summer and 2000 was a cool summer. The three-year period of 1998-2000 therefore is representative of typical three-year periods where the potential for ozone formation varies. If the area measures exceedances of the one-hour standard, the Commonwealth will evaluate whether any further emission control measures should be implemented as outlined in the Maintenance Plan.

3. Will the emission reduction strategies applicable in 1999 remain in force through 2011? They need to be permanent and enforceable. (1, 2)

Response: All of the control measures used for the 1999 inventory and for the future inventories are permanent and legally enforceable. It is these measures that contributed to the reductions in ozone precursor emissions and are responsible, in large part, for the Pittsburgh area's improved air quality. These measures are either federal EPA rules or are legally adopted by Pennsylvania with EPA approval as part of the Pennsylvania SIP or are pending EPA approval. Any changes would need to go through Pennsylvania's regulatory adoption process and be approved by EPA as a SIP revision.

4. The NO<sub>x</sub> SIP Call will not be implemented until 2004 and Pennsylvania relies on these reductions for attainment and maintenance; some states have missed NO<sub>x</sub> submittal deadlines; and Pennsylvania's Chapter 145 rules have been legally challenged. (2)

Response: Pennsylvania recognizes that interstate ozone transport significantly contributes to the Pittsburgh area's inability to attain and maintain the one-hour standard and has acted to assure those reductions through its Section 126 petition filed on August 14, 1997 and as an active participant in federal litigation in the cases of Appalachian Power Company v. EPA and State of Michigan v. EPA. The Section 126 remedy establishes a 2003 implementation date. If a State fails to establish SIP based programs under the NO<sub>x</sub> SIP Call, EPA will impose a Federal Implementation Plan under Section 110 (42 U.S.C. §7410) of the Clean Air Act. The regulations under 25 Pa. Code Chapter 145 have not been legally challenged. Pennsylvania has issued permits under this rule to all applicable facilities and has submitted the regulations to EPA as a SIP amendment.

5. The auto inspection and maintenance emission-testing (I/M) program may be changed by the Pennsylvania General Assembly and is under review by an Emissions Policy Review Group, which may recommend changes to the current program. Therefore the program cannot be considered permanent and enforceable, Pennsylvania cannot honestly take these reductions into account, and any changes would invalidate the SIP and redesignation request. (1, 2)

Response: As stated above in comment 3, all of the control measures used for the 1999 inventory and for the future inventories are permanent and enforceable including the I/M program in the Pittsburgh-Beaver Valley Area. This program is legally adopted by Pennsylvania with EPA approval as part of the Pennsylvania SIP. As a result, Pennsylvania can take these reductions into account under this plan. EPA has recently promulgated new regulations in the I/M program area and has required States to implement these changes. It is anticipated that these changes will not result in the loss of emission reductions, which would require a reevaluate of the SIP and maintenance plan. As required, PA is moving to meet these new additional federal requirements, which include onboard diagnostic testing of 1996 and newer vehicles. Any changes to the I/M program under this plan would need to go through an approval process that includes PA's regulatory adoption process and EPA's SIP revision process. Both of these processes require public participation. In addition, the Department is working with the General Assembly attempting to assure that any legislation meets the air quality needs of the area. .

6. Growth in the energy sector may adversely impact maintenance including permit requests pending for new diesel engines as peaking units and a new source power station permit for the Springdale area. How many permits have been requested? These sources should all be required to obtain offsets. (1, 2)

Response: There have been no permits issued for emergency generators in the Southwest Pennsylvania region including Allegheny County. However, several exemptions from plan approval under Section 127.14 of the Rules and Regulations have been granted for emergency generators that cannot be used as peaking units. Where such units are located at Major Stationary Sources they are included in the permit. The new power station at Springdale has been evaluated under the New Source Review (NSR) program, offsets have been obtained and Lowest Achievable Emission Rate (LAER) will be met. The same NSR requirements would apply to other new power stations. The Department will continue to evaluate the effectiveness of current NO<sub>x</sub> regulations to assure growth in the energy sector does not adversely impact attainment.

7. Contingency measures should be adopted prior to redesignation in order to be immediately applicable and permanent; the measure should also be quantified; these measures should be implemented if modeling shows violations. (2)

Response: Section 175A (d) of the CAA does not require that the contingency measures be adopted, quantified, or implemented because modeling shows a violation. Pennsylvania will track the attainment status of the area by reviewing air quality and emissions data during the maintenance period. Beginning in 2002, and every 3 years thereafter, Pennsylvania will develop and then evaluate periodic emission inventories to see if they exceed the 1999 baseline by 10%. Contingency measures may be implemented if either a 10% inventory increase or NAAQS ozone exceedances occur. Pennsylvania believes that this approach is sound because the appropriate remedy can be implemented after the problem has been assessed.

8. The region has been designated nonattainment for the new eight-hour ozone standard. (2)

Response: The region has not been designated as an eight-hour nonattainment area. Pennsylvania has proposed to EPA that the area be considered for nonattainment designation under the eight-hour standard when all of the legal issues related to the U.S. Supreme Court decision in *Whitman v. American Trucking Associations* (U.S., 99-1257, 2/27/01) are resolved. EPA has indicated that no formal designations will occur until at least a year after they have developed the implementation regulations for the standard as required by the recent Supreme Court ruling. As a result, Pennsylvania believes it is prudent to move forward with the one-hour redesignation request since ozone levels are below the standard and all of the requirements have been met.

9. The Plan takes credit for future reductions from programs not yet implemented. (1,2)

Response: Under existing regulations a State's SIP is allowed to take credit for regulations that have been legally adopted but that are not yet implemented. The reason for this practice is that the SIP and regulations are the plan for attainment and maintenance in a future year.

10. PA should not remove any ozone monitors. (1)

Response: Pennsylvania does not, at this time, plan to remove any ozone monitors. In fact the number of monitors in the area has been steadily increasing over the years. (See Table 1-1 from the Maintenance Plan)

11. DEP is considering additional ozone reduction strategies for the Philadelphia area. These strategies should be considered statewide. (1)

Response: The Commonwealth agrees that these strategies should be considered for adoption statewide and is discussing this with the Air Quality Technical Advisory Committee. However, any final decision related to the implementation of these strategies will be made after they go through the notice and comment rulemaking procedure.

12. The redesignation report should evaluate the effectiveness and necessity of each action and terminate ones that are not cost-effective. Tailpipe testing of vehicles covered by an On Board Diagnostic (OBD) program, tailpipe testing of all vehicles and gasoline vapor pressure requirements should be assessed for removal. (4)

Response: Evaluation of the current I/M program, including the addition/substitution of an OBD program for tailpipe testing, is under review by a Policy Review Group created by the Pennsylvania DEP and DOT. When completed, changes may be recommended. Any changes, as stated above in Comments 3 and 5, would need to be adopted and approved as SIP changes. The listed control options were evaluated as part of the ozone stakeholder process and found to be necessary for attainment. Cost-effectiveness evaluation is not a requirement for a maintenance plan or redesignation.

13. Strongly oppose redesignation. (1, 2)

Response: The Commonwealth disagrees and believes it is important to formally recognize the significant progress made by the Pittsburgh-Beaver Valley Area.

14. Strongly supports redesignation. (3, 4)

Response: The Commonwealth agrees.