



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

March 16, 2015

(804) 698-4020
1-800-592-5482

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode 28221T
Docket ID No. OAR-2008-0699
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator:

The Virginia Department of Environmental Quality (VDEQ) appreciates the opportunity to comment on the rule proposed by the US Environmental Protection Agency (EPA) to revise the national ambient air quality standards (NAAQS) for ozone that was published in the Federal Register on December 17, 2014 (79 FR 75234). Our comments address both the proposed revisions to the standards as well as their implementation, and reiterate in part comments¹ provided on previous proposed revisions to the ozone standards.

As the ozone standards are once again being considered, many of the same issues and challenges remain in selecting the most appropriate form and level for these standards. As in previous standard reviews, the EPA should carefully consider all the relevant factors and consequences in setting these standards. The EPA should also rely on sound, defensible science and conclusive evidence to make these decisions.

Virginia has made great progress in improving ozone air quality over the years. Both ambient ozone levels and emissions of the precursor pollutants have been significantly reduced since the promulgation of the current standard. The result of these efforts is evident in the fact that all ozone monitors in the Commonwealth are now in compliance with the standard. This substantial achievement has been the result of coordinated effort at the local, state, and federal levels.

However, there is still work to be done on the current standard. Parts of the Washington, DC-MD-VA metropolitan area are still monitoring ozone levels slightly above the current standard. In addition, the EPA and states have just recently begun the process to identify and address the transport of ozone from one area to another. A strong case could be made that these residual issues should be resolved before a new standard is established.

¹ Letters dated October 10, 2007 and March 22, 2010 (Enclosure 1)

In general, the Commonwealth of Virginia supports the setting of standards based on sound science and within an open and proactive public process. We believe that the level of the standard should be based on a balanced consideration of the potential risks and the underlying uncertainty in the science. In this context, revisions limited to the upper end of the proposed ranges for the revised primary and secondary standards would be subject to less uncertainty and are therefore supported.

Given the acknowledged uncertainty in the scientific data in the proposal, it is the specific recommendation of the Commonwealth that if the standard must be revised at this time, the primary ozone standard should be set no lower than 0.070 parts per million. This would be the next most logical and supportable step in the longer term effort to improve ozone air quality. Furthermore, Virginia strongly supports the EPA proposal to make the secondary standard the same level and form as the primary. This approach avoids the challenges that would otherwise occur with implementation of a revised form and level of the standard.

The EPA science advisory committee (CASAC) has identified two key areas needing further analysis for future reviews of the ozone standards. The first identified need is for more robust scientific research on both the health and welfare impacts of ozone at lower concentrations. The second issue that was identified is the issue of background ozone levels that are made up of both naturally occurring ozone and ozone that is generated internationally. Both these issues are becoming increasingly important in standard reviews as potential standard levels become more difficult and costly to achieve.

The following recommendations are provided regarding the standard implementation process:

- The EPA must continue to develop and implement timely, reasonable, and cost-effective regional and national emission control strategies to assist the states in meeting a lower ozone standard.
- The EPA must provide timely implementation rules and guidance for the new standard.
- The EPA must provide flexibility and extended timelines for rule implementation.
- The EPA must continue to support and expand innovative programs such as the voluntary “ozone advance” program to serve as possible alternatives to regulatory mandates.

Additional detailed technical comments are provided in Enclosure 2 to this comment letter.

Once again, thank you for the opportunity to comment on the proposed rulemaking. If you have any questions about these comments, please feel free to contact me or the DEQ Air Division Director, Michael Dowd at (804) 698-4284 or Michael.Dowd@Deq.Virginia.gov.

US EPA (Docket ID No. OAR-2008-0699)

March 16, 2015

Page 3

Sincerely,

A handwritten signature in black ink, reading "David K. Paylor". The signature is written in a cursive style with a large, stylized "D" and "P".

David K. Paylor