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VIA ELECTRONIC FILING

Anne Idsal, Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1301 Constitution Ave NW
Washington, DC 20460

Oct. 1, 2020

RE: Docket ID: EPA-HQ-OAR-2018-0279 Review of the National Ambient Air Quality Standards for Ozone

Dear Assistant Administrator Idsal,

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth of Pennsylvania, thank you for the opportunity to comment in support of the EPA's proposed rulemaking to retain the current National Ambient Air Quality Standards for ozone. These written comments supplement oral remarks delivered at EPA's public hearing held on August 31, 2020.

The PA Chamber, which represents nearly 10,000 member companies of all sizes and across all commercial and industrial categories, believes that environmental excellence and economic growth are mutually-compatible objectives, and that environmental and natural resources laws and programs should be framed and implemented to concurrently meet these twin objectives. The PA Chamber advocates for environmental laws, regulations and policies that:

- are based on sound science and a careful assessment of environmental objectives, risks, alternatives, costs, and economic and other impacts;
- set environmental protection goals, while allowing and encouraging flexibility and creativity in their achievement;
- allow market-based approaches to seek attainment of environmental goals in the most cost-effective manner;
- measure success based on environmental health and quality metrics rather than fines and penalties;
- assess compliance based on clear, predictable and defined criteria established through stakeholder processes and with sound science;
- do not impose costs which are unjustified compared to actual benefits achieved;
- do not exceed federal requirements unless there is a clear, broadly accepted, scientifically-based need considering conditions particular to Pennsylvania;
- develop a private-public relationship which promotes working together to meet proper compliance; and
- ensure timely regulatory approvals and authorizations.

With respect to air quality, the PA Chamber advocates for cost effective air laws, regulations and policies based on sound principles that are reasonable and technologically and economically feasible to protect

and enhance public health and the environment without placing in-state businesses at a competitive disadvantage. The PA Chamber supports regulatory policy which balance societal environmental, energy, and economic objectives, fit rationally within any finally adopted and applicable national or international strategy, and capitalize on the availability of Pennsylvania's diverse natural resources to facilitate economic development in the Commonwealth. It should be noted that this approach to economic growth and environmental stewardship is also written into the Clean Air Act itself, where Section 101(b) directs EPA to implement the provisions of the Act in a manner "to promote public health and welfare and the productive capacity of [the] population."

First, state and federal monitoring data make clear the state of Pennsylvania is nearing statewide attainment of the existing ozone NAAQS standards. Industry has worked in concert with regulators to achieve a dramatic reduction in both ozone precursor emissions and the monitored ambient levels of ozone over the past several decades. According to data provided by the Pennsylvania Department of Environmental Protection, since 1996 emissions of volatile organic compounds have declined 36% and emissions of NO_x have declined 65%. Further, DEP has also noted that in just one year, the number of monitoring points measuring non-attainment for the 2015 8-hour ozone standard declined, from 8 such locations in 2018 to 4 in 2019.¹ This progress is also apparent through the data displayed on EPA's interactive Design Values Map. It is expected that additional reductions will occur as existing state and federal requirements are implemented, including, notably, Pennsylvania's obligations under the Ozone Transport Region, which requires Lowest Achievable Emissions Rate permitting obligations regardless of whether the county or region in which a new or expanded major source is situated is in attainment for ozone.

Facilities permitted with LAER obligations may also be required to procure and surrender emission reduction credits (ERCs) from other sources in the same non-attainment county or region, at a greater than 1:1 ratio. PA Chamber members are reporting there is currently a shortage of ERCs available in Pennsylvania. Should the standard for ozone be lowered, the natural result, directly attributable to this lack of ERCs in the marketplace, will diminish the prospects for economic expansion of existing facilities or construction and operation of greenfield projects in any Pennsylvania county or region that ends up designated for non-attainment. Further, being reclassified as attainment once a county or region is designated non-attainment is no small task, even once an areas starts measuring attainment-level concentrations – the vagaries of the Clean Air Act require multiple years of monitoring and modeling, as well as the state drafting a maintenance plan, leaving areas designated as non-attainment with a likely seven- to ten-year process in order to be reverted to attainment.

Given this progress and the stringency of existing regulatory requirements, the PA Chamber supports the proposal to retain the current ozone standards. While case law has established the EPA Administrator is not required to consider economic effects when establishing a new NAAQS, Section 109 of the obligates the Clean Air Scientific Advisory Committee to advise the Administrator on any adverse public health, welfare, social, economic or energy effects that may result from attainment and maintenance of NAAQS. As such, it is eminently reasonable for the Administrator to consider such adverse effects that the burden of lower NAAQS may have on the regulated community.

¹ Ambient Air Quality Update for 2019. Pennsylvania DEP, Dec. 12, 2019.
<http://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Advisory%20Committees/Air%20Quality%20Technical%20Advisory%20Committee/2019/12-12-19/Ambient%20Air%20Quality%20summary%20AQAC%20Dec%2012%202019.pdf>

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In closing, thank you for the opportunity to submit comments on behalf of our broad-based membership and for your consideration of our perspective in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sunday". The signature is written in a cursive style with a large, stylized "K" and "S".

Kevin Sunday
Director, Government Affairs