

November 30, 2011

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Ave., NW
Washington, DC 20460
Attention: Docket ID No. EPA-HQ-OAR-2010-1059

Re: Draft Guidance for 1-Hour SO₂ NAAQS SIP Submissions

Dear Administrator Jackson:

The Northeast States for Coordinated Air Use Management (NESCAUM) offers the following comments on the U.S. Environmental Protection Agency's (EPA's) draft non-binding guidance, entitled "Guidance for 1-Hour SO₂ NAAQS SIP Submissions," as referenced in the October 3, 2011 notice of availability published in the Federal Register (76 FR 61098-61100). NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

The guidance is intended to assist state and tribal governments in preparing their 1-hour primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) State Implementation Plan (SIP) submittals, which are due June 3, 2013. While we appreciate EPA's efforts to get guidance out in a timely manner, we are very concerned with the SIP-related impacts, both statutory and workload-related, that appear to be assumed in the draft.

Areas designated as "unclassifiable" for SO₂ are required to develop and submit attainment SIPs within one year of designation. The workload burden required for SIP development is significant and would require states to shift resources from other program areas in order to complete attainment SIPs and maintenance plans, due by June 2013, for all areas, including those that might be able to be classified as "attainment" under an extended designation timeline. States are concerned about their ability to complete their work within the prescribed deadlines, as well as consequences for late submittals. EPA should explore how it can best provide states that are diligently attempting to complete their work the adequate time to do so.

To this end, we urge EPA to judiciously use the authority granted it under Section 107(d)(1)(B)(i) of the Clean Air Act by working closely with the states to determine where SO₂ designations should be delayed for one year, until June 2013. This would selectively target those areas of a state where insufficient information exists to reasonably conclude there will be a nonattainment problem. The one-year extensions for these areas would:

- (1) conserve scarce state resources by allowing them to focus the earliest modeling and planning efforts on those areas and sources most likely to have or contribute to an SO₂ NAAQS problem;
- (2) allow states and EPA more time to generate and analyze data to inform final designations in those areas likely attaining the SO₂ NAAQS;
- (3) provide states with additional time to complete the modeling and permit revisions necessary to demonstrate attainment with the SO₂ NAAQS in areas likely attaining, and;
- (4) help minimize – where warranted – the need for states and EPA to engage in time consuming and costly SIP development and processing associated with overly broad “unclassifiable” designations.

Such a selective approach under Section 107(d)(1)(B)(i) will allow states to more efficiently focus early planning efforts and limited resources where they are most needed, and avoid using staff resources on those areas likely attaining the standard. It will also help prevent shifting limited resources from other air quality planning efforts, such as ground-level ozone – a significant regional concern in the Northeast. We believe this approach would allow states to work in a smarter, more streamlined approach consistent with the Administration’s stated goal of reducing unnecessary regulatory burdens. It will also allow states to better allocate scarce resources, and focus early action on areas where it is most needed to protect public health.

The remainder of NESCAUM’s comments focuses on the need for EPA to clarify key statements and requirements in the guidance. The sections and page numbers referenced below correspond with those in the Public Review Draft of the guidance, dated September 22, 2011, which was available on EPA’s website at: <http://www.epa.gov/oaqps001/sulfurdioxide/implement.html>.

Section IV. Section 110(a)(1) and (2) NAAQS maintenance/infrastructure elements

Comment: The two statements in the draft guidance listed below should be revised to explicitly indicate whether the 100 tons per year (tpy) threshold corresponds to actual or allowable emissions.

Page 9: “We expect that states would focus performance of attainment demonstration modeling on areas with larger sources (e.g., those source emitting over 100 tons per year (tpy) of SO₂), and any other sources that we anticipate to cause or contribute to a violation to determine compliance with the new SO₂ NAAQS.”

Page 10: “EPA believes it is reasonable to expect states to demonstrate, at a minimum, that major SO₂ sources (≥ 100 tpy) are not causing or contributing to violations of the 1-hour SO₂ NAAQS.”

Comment: Footnote 7 on Page 9 should be revised to the following (revised wording is in italics): “In cases where large sources of SO₂ emissions are located on the borders of the other states, *the states should coordinate the modeling methodology applied and the*

modeling inputs with each other during the development of the SIP submittals for the affected areas (i.e., before the modeling is submitted to EPA)."

Section IV(B)(2)(a) Section 110(a)(1) SIPs: Maintenance demonstration: Refined dispersion modeling

Comment: Pages 16-17. This section suggests that states focus on those sources emitting more than 100 tpy of actual emissions. If a state were to base its approach on actual emissions, does EPA have a preferred method for calculating actual emissions? For example, the method could be based on an average of the last three years of available emissions data, the average of the last two years of available data, the latest year of available data (representing normal operating conditions), or the highest annual emissions reported in the last three years.

Section IV(B)(3)(b) Section 110(a)(1) SIPs: Control strategy: SO₂ limits for sources using control measures to meet the Cross-state Air Pollution Rule and MACT rules

Comment: Pages 21-23. This section states that many sources will be installing SO₂ add-on controls due to the Cross-State Air Pollution Rule or the Utility MACT standards and that there is a need to establish enforceable 1-hour SO₂ emission limits on these specific sources. This raises a broader issue applicable to all sources that could potentially require modeling for the purposes of determining compliance with SO₂ NAAQS, i.e., if a source does not have a 1-hour SO₂ emission limit, is it acceptable to use a longer term emission limit to represent the source's 1-hour limit?

For example, a large, existing source may have a 24-hour and an annual SO₂ emission limit, but no 1-hour emission limit. Would it be acceptable to use the 24-hour emission limit in the 1-hour SO₂ NAAQS modeling, or would the facility's permit need to be modified so that there is a 1-hour emission limit to use in the 1-hour SO₂ NAAQS modeling?

Appendix A, Section 5.1 Determining sources to model

Comment: The draft guidance has no requirement if a source with allowable SO₂ emissions above 100 tpy is not included in a state's SIP modeling. EPA should require the state to provide some type of justification on why it was not modeled (e.g., very low actual emissions, high stacks, or future control anticipated).

Comment: When modeling a facility with multiple SO₂ emission points, such as an oil refinery or a glass plant, is there an hourly emission rate that the state can consider "de minimus" and, therefore, not include in the modeling? If such guidance is provided, we recommend it should be made a function of stack height. Example criteria would be to include the following in the modeling:

- a) 2.5 lbs/hr or more with a stack height greater than 50 ft,
- b) 0.7 lbs/hr or more with a stack height between 20 and 50 ft,
- c) 0.3 lbs/hr or more with a stack height less than 20 ft.

Appendix A, Section 6.3 Good Engineering Practice (GEP) stack height

Comment: When building dimensions are input into the current version of AERMOD, the increased turbulence from building downwash effects is incorporated into the plume's dispersion, even when a stack is at its GEP stack height. It is unclear in the draft guidance whether building dimensions need to be input into AERMOD for stacks with a height considered to be GEP. This needs clarification.

Appendix A, Section 6.6 Urban/rural determination

Comment: EPA should revise the beginning of the second paragraph in this section to read as follows (changes are in italics): "In addition, *special emphasis must be placed in making accurate land use classification determinations for regulatory SO₂ modeling. Topographic maps may not provide current representative land use classification. Therefore, physical surveying as well as the study of current aerial photos may be incorporated into this process.* For SO₂ modeling, the urban/rural determination is of *great importance* because AERMOD invokes a 4-hour half life for urban SO₂ sources."

Thank you for the opportunity to comment. If you or your staff has any questions regarding the issues raised in this letter, please contact Laura Shields at NESCAUM at 617-259-2084.

Sincerely,



Arthur N. Marin
Executive Director

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