



December 18, 2015

Ms. Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Office of Administrator (Mail Code 1101A)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Request for Reconsideration of the 2015 Ozone National Ambient Air Quality Standard

Dear Administrator McCarthy:

The Wisconsin Department of Natural Resources (WDNR), on behalf of the State of Wisconsin, respectfully requests EPA to reconsider the 2015 ozone National Ambient Air Quality Standards (NAAQS) final rule, published in the Federal Register on October 26, 2015 (*80 FR 65291*). Specifically, WDNR asks EPA to reconsider the following requirements associated with the 2015 ozone NAAQS:

1. Extension of the Ozone Monitoring Season

WDNR strongly opposes changing the ozone monitoring season in Wisconsin from April 15 - October 15 to March 1 - October 15. As stated in the comments submitted by WDNR to EPA for the proposed rule, dated March 17, 2015, and as shown in Table 1 below, none of the monitors that have operated year-round in Wisconsin in the last 20 years has ever shown an ozone observation in the month of March that exceeded 70 ppb, which is the level of the final 2015 ozone NAAQS. An additional six weeks of operation of the 26 seasonally operating ozone monitoring stations in Wisconsin requires a significant amount of financial and staff resources at WDNR, with no increase in funding to account for this change.

The ability to apply for waivers for certain monitoring sites is a process that is not explicitly identified in the final rule and is therefore open to interpretation by EPA regional offices. The lack of clarity and definition in the waiver process will lead to inconsistencies by each regional office. And in fact, early indications by EPA Region 5 indicate that waivers will not be accepted in the first few years of extended season operation. In addition to the EPA inconsistencies in implementation of a waiver process, the burden of making the case for a waiver is placed on states. In light of the fact that there has not been a March 8-hour ozone concentration above 70 ppb in the state of Wisconsin in the last 20 years, applying for and working through a waiver process for each of the 26 seasonally operating sites in the state represents an undue burden on the state that will result in an inability to meet other necessary monitoring network requirements. These requirements have been mounting without additional resources over recent years.

EPA's finalized ozone season extension fails to reflect the challenges of seasonal monitoring during a Midwest winter. February is still deep winter in Wisconsin, with mean temperatures ranging from 14°F to 24°F with temperatures frequently dipping below zero degrees and extensive snow cover. Some sites in the state have necessitated the use of heavy equipment to access, even in late March and early April. These conditions would be normal at the majority of sites, for a February start-up to meet the March 1 season start date. This type of access is costly and creates an unnecessary level of effort, as well as health and safety concerns for field staff.

Table 1. Ozone maximum daily 8-hour average observations above potential revised NAAQS levels (1995-2014), based on all measurements available.*

Date Range	>65 ppb	>70 ppb	Total Observations
March 1-15	1 (1996)	0	1129
March 16-31	1 (1999)	0	1759
April 1-14	25	9	2963

*The numbers listed are for 8-hour average observations at monitors, not unique days with “exceedances”. There may have been more than one “exceedance” observation on a given day.

Wisconsin’s examination of 20 years of ozone observations is extremely conservative because ozone concentrations were higher in the 1990s than they are today due to much higher emissions and concentrations of ozone precursors. It is probable that the meteorological conditions that led to ozone concentrations over 65 ppb (but below 70 ppb; Table 1) in the 1990s would result in much lower concentrations today. Additionally, WDNR’s analysis of March monitoring data included more than triple the number of observations (roughly 3,000 observations) as compared to EPA’s analysis of March monitoring data (roughly 900 observations). Even with a much more rigorous analysis, WDNR did not find a single day during the month of March with ozone concentrations above the 70 ppb standard level in the last 20 years.

WDNR strongly disagrees with EPA’s assessment that the total national cost of this finalized season extension is only \$230,000 annually. Factoring in time, travel, supplies, and equipment needs, WDNR estimates operational costs per site at around \$20,000 per year (under the current ozone season). An additional 6 weeks of operation is estimated to cost on the order of \$5,000 per year per site. This calculates to an additional \$130,000 per year to operate on an extended season basis. An estimation of \$230,000 per year for all finalized season extensions (32 states) seems to include a severe underestimation of the costs required to operate a site, indicating EPA may not be aware of the true cost of this finalized action.

The 20 year analysis completed by WDNR makes it evident that there is no demonstrable public health benefit to EPA’s finalized extended season. While additional data is always valuable from a research perspective, the lack of environmental benefit, paired with the lack of additional funding to carry out this work, creates an unacceptable scenario for the State of Wisconsin.

2. Failure to Fully Address the Impact of Interstate Transport on Wisconsin

As WDNR stated in our March 17, 2015 comments on the proposed rule, Wisconsin’s air quality is heavily impacted by ozone precursors originating from out of state, which presents an inequitable challenge to attaining any revised standard. Wisconsin’s lakeshore counties, in particular, continue to suffer the consequences of diminished air quality and resulting nonattainment due to emissions originating beyond Wisconsin’s borders. EPA’s previous efforts to address the effects of transport on these areas have proved inadequate. EPA must continue to work to sensibly resolve transport issues while supporting state recommendations to keep areas from being designated nonattainment when it can be demonstrated that local emissions are not responsible for monitored violations of the standard.

It is critical that EPA and states take the time necessary for additional review of the issues identified above associated with the 2015 ozone NAAQS. Therefore, I ask EPA to carefully consider our request for reconsideration. If you have

any questions regarding this submittal, please contact Gail Good, Director, Air Management Program at (608) 264-8537 or gail.good@wisconsin.gov for any needed discussion or clarifications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cathy Stepp".

Cathy Stepp

cc: Patrick Stevens – EMD/8
Bart Sponseller – EMD/8
Kendra Fisher – LC/8
Gail Good – AM/7
David Bizot – AM/7

