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Attn: Docket ID EPA-HQ-OAR-2007-0492
Air and Radiation Docket and Information Center
U.S. Environmental Protection Agency (EPA)
Mail Code 6102T, Pennsylvania Ave., NW
Washington, DC, 20460

Subject: Comments on Proposed Revisions to the National Ambient Air Quality Standards for Particulate Matter

Dear Administrator Jackson:

The Wisconsin Department of Natural Resources (WDNR) hereby submits the following comments on the proposal from the U.S. EPA entitled "National Ambient Air Quality Standards for Particulate Matter" as published in the Federal Register on June 29, 2012 (*77 FR 38890*).

Implementation

1. Once again, states find themselves in a familiar position facing a potential revised National Ambient Air Quality Standard (NAAQS) without corresponding guidance from the U.S. EPA on how some of the key implementation questions are going to be addressed. For example,

   a. How will the U.S. EPA define nonattainment areas using near-road data?

   b. What will the size of those potential nonattainment areas be?

   c. If exceedances are measured, how will states be expected to reduce concentrations given that vehicles will likely be the primary contributor. Vehicle emission controls are handled by the federal government, not states and locals.

   d. Will stationary sources be required to undergo stricter permitting requirements due to near-road exceedances even if they contribute little or nothing to the concentrations at the monitor?

   e. How will transport of particulate matter (PM) be addressed and considered?

   f. How will the proposed secondary visibility standard be handled for prevention of significant deterioration (PSD) permitting in the long term?

   g. How should background levels be determined for permit modeling to address both the proposed primary and secondary air quality levels?

2. As part of the designation process, the WDNR strongly encourages the U.S. EPA to determine and clearly define the contribution to nonattainment from other nearby metropolitan areas, from the remaining non-metropolitan areas within a particular state, and from out of state. Wisconsin is heavily influenced by

transport for both ozone (O_3) and PM. It is unfair and unproductive for an area to receive extra requirements due to a nonattainment designation if there is little to nothing they can do to reduce concentrations.

Monitoring

1. The U.S. EPA must provide supplemental funding that does not require matching to support purchasing, installing, operating, and maintaining additional fine particulate matter ($PM_{2.5}$) monitors at near-road monitoring sites as currently proposed. If an existing monitor is relocated to a near-roadway site, supplemental funding should still be made available to support the breakdown, relocation, and installation of the monitor.

2. If near-road $PM_{2.5}$ monitoring data are going to be compared to the NAAQS, the area of any associated nonattainment should be a representative size of the potential exceedance. Since near-road sites are typically micro-scale measurements, potential nonattainment areas should be limited to within a few city blocks or less of the adjacent roadway with the near-road monitoring site. The U.S. EPA should explicitly state that these data are considered unique unless otherwise specified by the Regional Administrator. Furthermore, near-roadway data should not be used to require control measures beyond the limited nonattainment areas. In addition, these data should not be used to establish background concentrations for air dispersion modeling.

3. The WDNR does not support the use of $PM_{2.5}$ Federal Equivalent Monitoring (FEM) for comparison with the NAAQS at near-roadway sites until problems with FEMs have been adequately addressed. Historically, FEM instruments have both over and under sampled $PM_{2.5}$ concentrations within a given year that can result in a bias that will skew NAAQS compliance calculations. While the proposed PM NAAQS does provide some recommendations to allow FEM data to be excluded for NAAQS attainment determinations, the limitation to "prospective" data is still a concern. It is not uncommon for a good instrument to degrade with age and see comparability with the FRM degrade as well. The prospective approach would provide no recourse to exclude the data if review showed unreliable comparison or skewed results. It would be preferred that criteria for collocated FRM comparability be established to allow exclusion of data after data review. For sites with no collocated FRM, the standard deviation of collocations across the network should have a criteria that if not met would allow FEM data to be excluded after data review.

4. If the U.S. EPA decides to finalize the near-roadway monitoring requirements, the WDNR recommends the following:

    a. Refocusing the near roadway network to provide better characterization of mobile source emissions at a more limited number of sites, including the correlation of emissions to key variables such as traffic volume, fleet composition, and prevailing winds;

    b. Phasing deployment of the near roadway $PM_{2.5}$ network beginning with CBSAs with a population of 2.5 million and greater, then expanding the network to CBSAs with a population of between 1 million and 2.5 million in later stages; and

    c. Deploying a near roadway $PM_{2.5}$ monitor at a multi-pollutant near roadway site after that site has been operating for at least one year.

Secondary Standard

1. Given other recent actions by the U.S. EPA that will have an impact on visibility impairing pollutants, such as the primary PM NAAQS proposal, the 2008 O_3 NAAQS, the 2010 1-hour nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) NAAQS, the Regional Haze Rule, the Clean Air Interstate Rule (CAIR), and recent maximum achievable control technology (MACT) rules, the WDNR questions whether or not the secondary visibility standard is even necessary given all the confusion regarding the proposed standard and visibility improvements that are already expected to occur through other regulatory measures.

2. If the U.S. EPA finalizes the secondary standard, the current calculation procedure for the proposed secondary visibility standard is lengthy, complex and confusing. WDNR is also concerned about how the influence of Lake Michigan on relative humidity values may bias the visibility calculations.

3. If the U.S. EPA finalizes the secondary standard, a separate rule proposal addressing the implications and costs of the proposed NAAQS changes on transportation conformity should be issued. There is a lot of uncertainty regarding how conformity will be addressed in regards to the proposed secondary visibility standard.

Air Permitting Implications

1. If the U.S. EPA does decide to move forward with the proposed secondary visibility standard, they should also move forward with the proposed surrogacy approach for permitting that allows for demonstrating compliance with the secondary visibility standard by demonstrating compliance with the primary $PM_{2.5}$ NAAQS. Wisconsin believes this surrogacy approach should remain in place until the U.S. EPA undertakes rulemaking and comment on another implementation approach for the secondary standard.

2. The proposed grandfathering provision is too burdensome for permitting agencies because there may be a push from applicants to get permits into public comment in anticipation of the final rule. The U.S. EPA should allow for a transition of one year and base grandfathering on permit application date rather than public comment date.

General Issues

1. The U.S. EPA should move forward with the proposed updates to the Air Quality Index (AQI) for $PM_{2.5}$ to reflect the proposed revised $PM_{2.5}$ annual standard.

2. The U.S. EPA should move forward on its review and ruling on Wisconsin's $PM_{2.5}$ redesignation request for the 2006 NAAQS prior to finalization of this NAAQS revision. The U.S. EPA needs to recognize success that some states have already achieved in reducing $PM_{2.5}$ levels.

3. The U.S. EPA proposed a revised annual $PM_{2.5}$ standard within a range of 12 – 13 $\mu g/m^3$ and stated they would take comment on a level of 11 $\mu g/m^3$. It is inequitable and sets a bad precedent that U.S. EPA did not seek comments on the option of retaining the annual standard at 15 $\mu g/m^3$.

Thank you for the opportunity to comment on the proposed NAAQS revisions. Please feel free to contact Mr. Joseph Hoch, Regional Pollutant and Mobile Source Section Chief, at (608) 267-754 or joseph.hoch@wisconsin.gov if you have any questions regarding these comments.

Sincerely,

Bart Sponseller
Director, Bureau of Air Management
Wisconsin Department of Natural Resources

cc: Pat Stevens – AD/8
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