



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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Docket ID No. EPA-HQ-OAR-2007-0492
U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Mail Code 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OAR-2007-0492

Thank you for the opportunity to provide comments on EPA's review of the National Ambient Air Quality Standards for Particulate Matter as published in the Federal Register on June 29, 2012 (77 FR 38890). The South Dakota Department of Environment and Natural Resources (DENR) offers the following comments on the proposed revisions to the particulate matter standards:

1. EPA is proposing to revise the annual primary standard from 15 micrograms per cubic meter to a concentration between 12 to 13 micrograms per cubic meter (see page 38944). This decision was made even though EPA states on page 38940, "...the Administrator observes an overall pattern of statistically significant associations reported in studies of long-term PM_{2.5} exposures with long-term mean concentrations ranging from somewhat above the current standard level of 15 mg/m³ down to the lowest mean concentration in such studies of 12.9 mg/m³ (in Miller et al., 2007). She observes a similar pattern of statistically significant associations in studies of short-term PM_{2.5} exposures with long-term mean concentrations ranging from around 15 mg/m³ down to 12.8 mg/m³..." In addition EPA states on the same page, "Based on information discussed and presented in the Integrated Science Assessment, the Administrator recognizes that health effects may occur over the full range of concentrations observed in the long- and short-term epidemiological studies and that no discernible threshold for any effects can be identified based on the currently available evidence..." With these uncertainties and the current annual standard of 15 micrograms per cubic meter being within the range specified in the studies, DENR recommends EPA not change the annual PM_{2.5} standard. If EPA's final decision is to lower the PM_{2.5} annual standard even though the current evidence is not discernible, DENR recommends setting the standard at 13 micrograms per cubic meter and agrees with EPA on retaining the current 24-hour PM_{2.5} standard.
2. EPA is proposing to retain the current 24-hour PM₁₀ level of 150 micrograms per cubic meter (see page 38963). EPA indicates on page 38956 that changing the concentration level and form of the standard would cause variability in public health protection reducing protection

in some urban areas and increasing protection in rural locations. Based on this variability, DENR supports the proposal to retain the current PM₁₀ standard including the form and indicator.

3. EPA is proposing to retain the current secondary standards for particulate matter to address the non-visibility welfare effects (see page 38998). DENR supports the proposal to retain the current secondary standards for PM_{2.5} and PM₁₀.
4. EPA is proposing to establish a new 24-hour secondary standard at 30 to 28 deciviews (see page 38990). The new secondary standard is in terms of a PM_{2.5} visibility index and a 90th percentile form averaged over three years. DENR does not support the establishment of a secondary visibility standard for PM_{2.5} for the following reasons:
 - a. CASAC states the four studies in which EPA is basing the decision to establish a secondary visibility standard provides limited confidence in determining a benchmark protection level;
 - b. DENR believes improvements in visibility in the Class I areas throughout the nation under the regional haze program in combination with states attaining the annual and 24-hour PM_{2.5} standards will improve visibility in urban areas. In past reviews of a secondary standard for particulate matter, EPA states, "The structure and requirements of sections 169A and 169B of the CAA provide for visibility protection programs that can be more responsive to the factors contributing to regional differences in visibility than can programs addressing a nationally applicable secondary NAAQS. The regional haze visibility goal is more protective than a secondary NAAQS since the goal addresses any anthropogenic impairment rather than just impairment at levels determined to be adverse to public welfare" (see page 38966).
 - c. EPA identifies on page 39025 and 39026 that it conducted a two-pronged technical analysis of the relationships between the proposed PM_{2.5} visibility index standard and the 24-hour PM_{2.5} standard in their efforts to establish a surrogate approach for fulfilling Prevention of Significant Deterioration requirements for individual sources. EPA conducted what they termed to be a robust technical analysis which demonstrated that if a source will not cause or contribute to a violation of the mass-based 24-hour PM_{2.5} standard, the 24-hour PM_{2.5} visibility index standard is protected. Since the 24-hour PM_{2.5} standard already protects the welfare the 24-hour PM_{2.5} visibility standard is designed to protect, the new standard is duplicative and unnecessary.
 - d. As indicated above, the regional haze program and PM_{2.5} standards already protect and improve visibility. In today's time when the federal government and states have to tighten their belts, we do not need to spend our resources duplicating work.
5. EPA is proposing to amend the Prevention of Significant Deterioration (PSD) program, including similar language for a states-approved state implementation plan for its PSD program, to provide a grandfathering provision (see page 39024). The grandfathering provision allows the continued review of a proposed permit without considering the new or revised particulate matter National Ambient Air Quality Standard if the proposed permit was public noticed before the effective date of the revised standard (see page 39024). EPA bases its proposal on its interpretation of the Federal Clean Air Act calling for a balance of economic growth and protection of air quality (see page 39024). DENR agrees that including a grandfather provision in rule to provide for a transition period is appropriate. However, DENR believes PSD applicants should be grandfathered in when the state notifies the applicant that the application is complete. At this point the state starts its review of the

application to determine if the applicant satisfies all the requirements of the PSD program and starts drafting the PSD permit. Interrupting the state during this process would cause delays in issuing the permit within the timeframes specified in state and federal regulations and wastes the states resources because they will essentially have to start again once the applicant submits the new information. By allowing a state to continue the process once the application is complete provides a balance between economic growth and the protection of air quality.

6. EPA proposes to establish a surrogate provision for demonstrating compliance with the proposed visibility secondary standard. Notwithstanding South Dakota's objection to a visibility standard, South Dakota agrees using a surrogate approach that offers simplification and resource savings is appropriate. This surrogacy approach should be included in regulation and not solely in guidance.
7. EPA is soliciting comments on whether a sunset clause would be appropriate under certain circumstances for the grandfathering clause. DENR agrees with EPA that a sunset clause would further delay permit actions and is not warranted.

On behalf of the state of South Dakota, I would like to thank you for the opportunity to provide comments on the proposed particulate matter national ambient air quality standard.

Sincerely,



Steven M. Pirner
Secretary

cc: Senator John Thune
Senator Tim Johnson
Representative Kristi Noem