STATE OF SOUTH DAKOTA
DENNIS DAUGAARD, GOVERNOR

March 13, 2015

Attention: Docket ID No. EPA–HQ–OAR–2008–0699
U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code: 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: South Dakota's comments on the proposed changes to the *"National Ambient Air Quality Standards for Ozone,"* (Docket ID No. EPA–HQ–OAR–2008–0699)

Thank you for the opportunity to comment on the proposed changes to the *"National Ambient Air Quality Standards for Ozone,"* published in the Federal Register on December 17, 2014. South Dakota opposes EPA's proposal to lower the National Standards for ground-level ozone.

South Dakota is a rural state with a small population, wide-open spaces, and clean air. Clean air is a trademark of South Dakota. We are one of only seven states in the nation in which there are no nonattainment areas. The entire state is in full compliance or attainment with all federal criteria air pollutants. We are very proud of our clean air, and our goal is to maintain our clean air and that full attainment status into the future.

The EPA's proposal to lower the ozone standard threatens that status, because the proposal may lower the standard closer to, if not less than, background levels. The EPA states the proposal is based on protecting human health, but health benefits from a lower ozone standard are inconclusive. Nor has EPA taken into account the gains in human health and air quality experienced from regulations already in place.

Lowering the standard now will only create regulatory uncertainty and hardship with questionable corresponding benefits to public health. I urge you to leave the ozone standard at its current level of 0.075 parts per million. The enclosed technical analysis from the South Dakota Department of Environment and Natural Resources provides

further support for my request. Thank you again for the opportunity to comment and your favorable reaction.

Sincerely,

Dennis Daugaard

DD:nn

Enclosure

cc/enc: Gina McCarthy, EPA Administrator
Shaun McGrath, EPA Region 8 Administrator
Attorney General Marty Jackley
Senator John Thune
Senator Mike Rounds
Representative Kristi Noem

The South Dakota Department of Environment and Natural Resources' Comments On the United States Environmental Protection Agency's Proposed Rule to Revise the National Ambient Air Quality Standards for Ozone Docket ID No. EPA-HQ-OAR–2008–0699 March 12, 2015

The South Dakota Department of Environment and Natural Resources (DENR) appreciates the opportunity to submit comments on EPA's proposed primary and secondary National Ambient Air Quality Standards for ozone published in the Federal Register on December 17, 2014. DENR provides the following comments for EPA's consideration:

Proposed Primary Standard

On page 75236 of the preamble, EPA solicits comment on a proposed primary standard in the range of 0.065 to 0.070 parts per million, comments on a 0.060 parts per million standard, and comments on retaining the current 0.075 parts per million standard.

DENR strongly recommends EPA leave the primary standard at the current level of 0.075 parts per million. As stated in section 109(b)(1) of the Clean Air Act, *"National primary ambient air quality standards, prescribed under subsection (a) of this section shall be ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health."* The key phrase is *"adequate margin of safety."* As the National Ambient Air Quality Standards are lowered closer and closer to, or even below, background levels, the Administrator's judgment on what is the adequate margin of safety becomes more difficult as suddenly there is no adequate margin of safety left.

Based on the monitoring data in South Dakota, the current National Ambient Air Quality Standard for ozone of 0.075 parts per million is already approaching background levels. Consequently, it makes no sense to establish a lower standard for the following reasons.

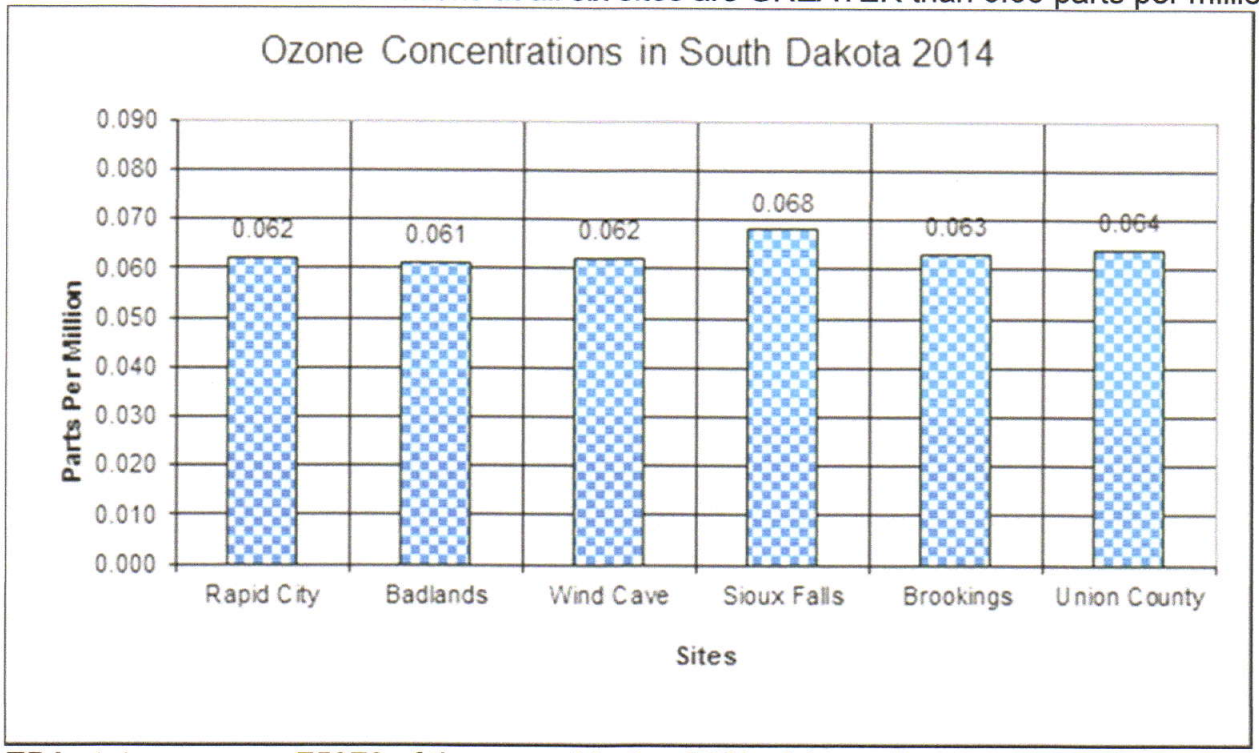
1. Although there is evidence that exposure to ozone causes varying health impacts on certain individuals at levels above and below the current standard, the evidence to establish a level at which to set an ozone standard that provides an adequate margin of safety is not clear.

2. States have not had a chance to implement EPA's recent guidance on how to bring areas not attaining the current ozone standard of 0.075 parts per million back into attainment. Allowing states to implement EPA's guidance and actually bring areas back into attainment will provide EPA the evidence they need to determine if the current standard is providing an adequate margin of safety.

3. Volatile organic compounds and nitrogen oxide emissions are precursors to the formation of ozone. For those precursors emitted from man-made sources, EPA has already established a multitude of federal regulations that are starting to be implemented which will reduce air pollutants that contribute to ozone formation. For example, the Big Stone coal-fired power plant in South Dakota will be putting on-line

this summer new air pollution controls as part of EPA's Regional Haze Program at a cost of approximately $384 million. The new air pollution controls will reduce nitrogen oxide emissions by nearly 80%. There are also many other coal-fired power plants throughout the nation which are doing the same as part of the federal Regional Haze Program. In addition, EPA's Mercury and Air Toxic Standards, the Cross-State Air Pollution rule, the Maximum Achievable Control Technology Standards for boilers and engines, the Tier 3 Motor Vehicle Emission and Fuel Standards, and the proposed Clean Power Plan all have components that reduce volatile organic compounds and nitrogen oxide emissions from man-made sources. These federal regulations must be given an opportunity to work before EPA moves the ozone bar again.

4. Lowering the National Ambient Air Quality Standard for ozone will bring it closer or even below background levels. This graph shows ozone concentrations at six sites in South Dakota monitored by DENR during 2014; the first three sites are on the western edge of the state while the last three are on the eastern side. Of particular importance, note the ozone concentrations at all six sites are GREATER than 0.06 parts per million.



EPA states on page 75370 of the preamble that 70% of the total volatile organic compound emissions nationally are emitted from natural sources, such as trees, with an even higher proportion emitted naturally during the ozone season and in areas with more vegetative cover. Compound the high levels of natural precursors with ozone transport, and it becomes obvious that states like South Dakota with low population and essentially zero levels of precursors emitted from man-made sources such as industry and traffic will never meet a lower ozone standard. While there are no precursors to control, a nonattainment status will nevertheless force us to expend significant resources trying to meet a standard that is not attainable.

For all these reasons, DENR strongly recommends EPA leave the primary standard at its current level of 0.075 parts per million. Allow small states like South Dakota to spend our

limited resources implementing other regulations which will actually provide a benefit to public health.

Proposed Secondary Standard

On page 75237 of the preamble, EPA solicits comment on the proposed secondary ozone standard. EPA is proposing to establish the secondary standard at the same level as the primary concentration because a level between the proposed standard of 0.065 ppm and 0.070 parts per million would be just as protective as setting a different form of the standard using the W126 index.

The W126 index is a complicated method of determining compliance, and as EPA indicates, the W126 index levels are comparable to the primary standard concentrations in parts per million. Therefore, DENR recommends that EPA leave the secondary standard equivalent to the primary standard and does not support the use of the W126 index.

Designations

On page 75237 and 75238 of the preamble, there is a discussion on designation. In section 107(d) of the Clean Air Act, the choices for designation are nonattainment, attainment, or unclassifiable. The Clean Air Act does not include the choice of "attainment/unclassifiable" which EPA is using. DENR recommends EPA adhere to the Clean Air Act and designate areas in attainment as recommended by states where representative sampling demonstrates attainment and quit using the "attainment/unclassifiable" designation.

Addition of a Second Federal Reference Method

On page 75358 of the preamble, EPA is proposing to add nitrogen oxide-chemiluminescence methodology as a second federal reference method for ozone. If EPA choices to add a second federal reference method for ozone, the current ozone monitors designated with federal equivalent method status should retain such status without requiring new performance testing against the new proposed federal reference method.

Photochemical Assessment Monitoring Stations (PAMS)

On page 75362 of the preamble, EPA proposes to require a fixed photochemical assessment monitoring station at any existing National Core site in an ozone nonattainment area in lieu of current photochemical assessment monitoring station design requirements. DENR recommends EPA give states the flexibility to place the photochemical assessment monitoring station at a location within the nonattainment area the state believes will best characterize sources of air pollution.