



Division of Air Pollution Control Response to Comments

Ohio's 8-Hour 2008 Ozone Standard Draft Redesignation Request and Maintenance Plan for the Ohio Portion of the Cincinnati, OH-KY-IN Nonattainment Area

Agency Contacts for this Project

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Ohio EPA held a public hearing in Cincinnati, OH on March 3, 2016, regarding the 2008 8-Hour Ozone Standard Draft Redesignation Request and Maintenance Plan for the Ohio Portion of the Cincinnati, OH-KY-IN Nonattainment Area. This document summarizes the comments and questions received at the public hearing and during the associated comment period, which ended on March 3, 2016.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format. The name of the commenter follows the comment.

Overall Concerns

Comment 1: Below is a summary of comments received from Ohio Petroleum Marketers & Convenience Store Association (OPMCA). The full comment letter can be found at the end of this response to comments document.

“While the association supports the Director’s redesignation request, OPMCA urges the agency exclude from the maintenance strategy proposed pursuant to the redesignation request the requirement for 7.8 pounds per square inch (P.S.I) Reid Vapor Pressure (R.V.P) gasoline from June 1 through September 15 in counties subject to the gasoline volatility standard.” Furthermore, the commenter provided lengthy background and cost estimate information for RVP fuels. **(Bill Behrendt, OPMCA)**

Response 1: Thank you for your comments and support of the redesignation of the Cincinnati area to attainment for the 2008 Ozone National Ambient Air Quality Standard (NAAQS). Regarding your comments to exclude Reid Vapor Pressure (RVP) gasoline from June 1 through September 15 from the maintenance plan, Ohio EPA does not believe this mechanism would be the best option for considering removal and/or replacement of the RVP program. RVP fuels in this area are required under Ohio's SIP as one of the alternative emission reduction programs that replaced the E-Check program that was previously required in this area to control ozone emissions. In order to remove RVP from the SIP for this area, Ohio EPA would be required to address Clean Air Act (CAA) Section 110l and Section 193. Section 110l requires any revision to the SIP not interfere with any applicable requirement, including attainment of all NAAQS. Section 193 is the general savings clause, or anti-backsliding provisions, that requires any pre-1990 CAA requirement to remain in place unless a change ensures equivalent or greater reductions. The E-Check program, which the RVP program replaced, was such a pre-1990 requirement. Complying with both of these CAA requirements would require significant analyses, such as photochemical modeling and investigation of the feasibility and cost effectiveness of replacement programs. And until the analyses is complete and any replacement measures are in place, the RVP program would remain a SIP required element. The degree of difficulty for the type of analyses that would be required is more complex for areas that are currently nonattainment for a standard or are close to the level of the NAAQS. Therefore, obtaining a redesignation of this area for the 2008 ozone standard would prove to be more beneficial at this time in potentially considering removal of the RVP program than attempting to do such an analyses while the area is still designated nonattainment.

In addition, this area is currently not attaining the newer 2015 ozone NAAQS. Designations will occur around October 2017. There are serious implications for areas that have not been redesignated for an older standard (2008 Ozone NAAQS) when that older standard is revoked after implementation of a newer standard (2015 Ozone NAAQS). U.S. EPA has indicated they intend to issue the final implementation guidance revoking the 2008 standard at about the same time that area designations are finalized, in October 2017. EPA expects to complete initial designations

by October 1, 2017. One such implication could be a required “bump up” to the next classification, which for this area would be moderate nonattainment. This in turn would trigger additional mandatory requirements (such as an inspection and maintenance program) and prohibit backsliding of the RVP program. USEPA has 18-months to act on any SIP submittal. Provided we submit this document to USEPA by May 1, 2016, that would allow 17 months until October of 2017. It is in Ohio’s best interest to submit this redesignation request and maintenance plan to USEPA as soon as possible to ensure the area is redesignated by October 2017. It should be noted that USEPA’s requirements for addressing CAA Section 110I and 193 would require an analyses under the assumption that the area is designated nonattainment for the 2015 Ozone NAAQS even though it has not occurred at this time.

Basically, an analyses of the potential impacts of not moving forward with this redesignation request at this time indicates it is in the best interest of Ohio, and the economy of this area, to be redesignated for this standard as quickly as possible. Redesignating the area would only aide in any analyses required to remove the RVP program. And lastly, if it chooses to do so, Ohio can prepare the required RVP removal/replacement analyses and submit that to USEPA at any time for consideration. Therefore, Ohio EPA intends to submit our redesignation request and maintenance plan with the RVP program intact and will continue to have discussions with OPMCA and other interested stakeholders regarding the future of the Cincinnati area RVP program outside of the scope of this particular action.

Comment 2:

“From the third paragraph in Chapter 4 (page 18 of the document - p 26 of the file), it sounds as if you are using the Ozone NAAQS Emissions Modeling platform (2011v6.1) data (generally based on 2011 NEI data) and the 2018 U.S. EPA-projected inventory, and then interpolating the data for point, area and non-road mobile categories to get the 2014 attainment inventory. However, on the following page you state: “The point source data are taken from Ohio’s annual emissions reporting program” and “Periodic inventories, which include emissions from all sectors - mobile, area, non-road, and point sources - are prepared every three years.” It is unclear what is actually being done.

Because 2014 represents the emission level that supports attainment of the standard, you need to be as accurate as

possible when characterizing 2014 emissions. While interpolation between 2011 and 2018 seems reasonable for area and non-road mobile emissions estimates, the point source data should not be interpolated. Actual point source data from 2014 should be used. I assume this data is available through your annual point source reporting program.” **(Kathleen D’Agostino, U.S. EPA Region 5)**

Response 2:

Ohio EPA has updated the 2014 point emissions for Ohio counties to reflect data from Ohio’s annual emissions reporting program instead of interpolated data for the point category. However, because USEPA considers airport emissions a point category and those emissions are not reported directly to any of the States included in this nonattainment area, Ohio EPA has created a separate category for airport emissions (AIR) and is continuing to interpolate this data. As can be seen from the airport emissions, they are very minimal compared to other emissions in the area. In addition, Ohio EPA has provided clarifying language throughout the document to provide a clear explanation for the methodology of inventory development for each state. And lastly, Ohio EPA did find several minor errors in emissions that were included in our draft and has updated the data to ensure consistency among the three states. None of these updates change the overall analyses of attainment and our ability to ensure maintenance.

End of Response to Comments



**OHIO ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF AIR POLLUTION CONTROL**

**COMMENTS OF THE OHIO PETROLEUM MARKETERS & CONVENIENCE STORE ASSOCIATION
ON THE REDESIGNATION AND MAINTENANCE PLAN FOR THE OHIO PORTION OF THE CINCINNATI, OH-
KY-IN OZONE NONATTAINMENT AREA**

March 3, 2016

The Ohio Petroleum Marketers & Convenience Store Association (OPMCA) is the statewide trade association in Ohio representing more than 500 independent, small businesses in the petroleum and convenience industry. OPMCA members employ more than 103,000 Ohioans and own and operate an overwhelming majority of the convenience stores in the state. Members on the wholesale side of the industry employ thousands more in commercial fueling facilities, transportation divisions, heating oil sales, and home offices. Convenience stores are America's fueling stations. Convenience stores sell the majority of the gasoline purchased in the country— approximately 80 percent of all fuel sold in the United States. A total of 6,240 convenience stores sell motor fuels in Ohio, accounting for 6.4 billion gallons sold annually.

OPMCA supports the Director of the Ohio Environmental Protection Agency (Ohio EPA) in requesting that the United States Environmental Protection Agency (U.S. EPA) revise the current air quality designation for the Ohio portion of the Cincinnati, OH-KY-IN area; Butler, Clermont, Clinton, Hamilton, and Warren counties in Ohio to attainment with respect to the 2008 eight-hour ozone National Ambient Air Quality Standard (NAAQS). Air quality monitoring data collected between 2012 and 2014 in the region has demonstrated attainment of the NAAQS and warrants a redesignation to attainment for the Cincinnati, OH-KY-IN area based on the requirements in Section 107(d) (3) (E) of the CAA.

While the association supports the Director's redesignation request, OPMCA urges the agency exclude from the maintenance strategy proposed pursuant to the redesignation request the requirement for 7.8 pounds per square inch (P.S.I.) Reid Vapor Pressure (R.V.P.) gasoline from June 1 through September 15 in the counties subject to the gasoline volatility standard.

Over a decade ago, Ohio EPA promulgated rules to require Low Reid vapor pressure gasoline from June 1 through September 15 in the counties in and around the Cincinnati area. Specifically, the administrative rules prohibit a refiner, importer, distributor, reseller, carrier, retailer or wholesale purchaser-consumer from selling, offering for sale, dispensing, supplying, offering for supply, or transporting (for use in a low R.V.P. control area) gasoline that has a R.V.P. exceeding 7.8 P.S.I. during the control period, June 1 through September 15. Ohio EPA elected to impose the requirement for Low Reid vapor pressure gasoline in southwest Ohio to replace air emission reductions associated with the E-check program. At that time, both the agency and product manufacturers contended that the Low Reid

vapor pressure gasoline required in these counties would cost only \$0.01 to \$0.03 per gallon more than the conventional gasoline sold in all other parts of the state.

When the rules mandating Low Reid vapor pressure gasoline came up for five-year rule review in 2015, Ohio EPA once again asserted there was only a nominal price differential between conventional gasoline and Low Reid vapor pressure gasoline. In fact, Ohio EPA contended in the Business Impact Analysis submitted to the Ohio Common Sense Initiative Office in April 2015 that “the price of low Reid vapor pressure gasoline will cost approximately \$0.01 to \$0.03 more per gallon.” Furthermore, the agency asserted the increased cost of a gallon of gas would be “reasonably low and the total annual cost would be a function of how much gas is purchased.”

While the agency’s assertions about the gasoline price differential may have been accurate when the rules were initially promulgated, today they fall far short. Over the course of the last several years, the cost of Low Reid vapor pressure gasoline has escalated dramatically. By way of example, a survey of convenience retailers in the greater Cincinnati area in July 2015 revealed that the wholesale price for Low Reid vapor pressure gasoline peaked at \$0.36 per gallon higher than the wholesale price of conventional gasoline. According to a leading petroleum analyst, during the 2015 ozone season, the average wholesale price for Low Reid vapor pressure gasoline exceeded the average wholesale price for conventional gasoline by nearly \$0.30 per gallon. Motorists in the greater Cincinnati area, then, paid a minimum of \$0.20 per gallon more on average for gasoline last summer. Said another way, the air emissions reductions derived from the Low Reid vapor pressure gasoline requirement cost Cincinnati area motorists tens of millions of dollars in 2015.

Consumers are not the only ones who may suffer. In the hyper-competitive retail fuel market, the increased wholesale price may be borne by the retailer. For small businesses who lack the buying power and access to pricing discounts enjoyed by larger competitors, this burden can be devastating. As the lifeblood of Ohio’s economy, the viability of small business directly affects the viability of the local community.

On multiple occasions over the last several years, OPMCA has voiced its opposition to the requirement for Low Reid vapor pressure gasoline with Ohio EPA and the Ohio Common Sense Initiative Office. The association has encouraged the examination of other control strategies that would derive comparable air emission reductions without overburdening the motoring public or convenience retailers. At the same time the association voiced its concerns, the U.S. EPA approved relaxation of the summer gasoline RVP standards for a number of states as those areas applied for redesignation, including Grand Parish, Louisiana area, Florida, Raleigh-Durham-Chapel Hill area, Greensboro, Winston-Salem, High Point area in North Carolina, Jefferson and Shelby counties (Birmingham area) Alabama, and Mecklenburg and Gaston counties in North Carolina.

Likewise, the association respectfully urges the Ohio Environmental Protection Agency Division of Air Pollution Control to remove the Low Reid vapor pressure gasoline requirement in its proposed maintenance plan and explore alternative, less burdensome control strategies to satisfy the emission reductions required for redesignation under the 8-hour ozone NAAQS.