



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

June 13, 2022

Environmental Protection Agency  
EPA Docket Center (EPA/DC)  
EPA-HQ-OAR-2021-0742; FRL-8425-01-OAR

**RE: Ohio EPA Comments on U.S. EPA's April 13, 2022, Proposed Rule, "Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards." [87 FR 21842]**

Dear Administrator Regan:

The Ohio Environmental Protection Agency (Ohio EPA) appreciates the opportunity to provide comments by way of this letter to U.S. EPA on the above-referenced proposed determinations for the 2015 ozone standard.

Ohio has worked extremely hard for many years to attain the ozone standards throughout the entire state and has nearly accomplished that goal. As an example, Ohio EPA was recently notified by U.S. EPA Region V of a forthcoming Federal Register notice approving a revision to the Ohio SIP based on the finding that the Cincinnati, Ohio-Kentucky area is attaining the 2015 ozone National Ambient Air Quality Standard (NAAQS) of 70 ppb. We appreciate U.S. EPA's prompt action to review and act upon this important request to redesignate the Ohio portion of the Cincinnati area to attainment for this standard.

Overall, Ohio has seen a steady decline in ozone concentrations and expects continued improvement due to our on-going efforts to lower nitrogen oxide and volatile organic compounds emissions in the state.

Currently, only one area of Ohio (Cleveland) has not met the 2015 ozone standard in the time allotted to marginal nonattainment areas. Ohio has been proactive in implementing many of the mandatory moderate nonattainment area requirements within the Cleveland area. We have expanded additional requirements throughout the state, including innovative approaches such as incentivizing voluntary ozone reduction initiatives.

While Ohio EPA is dedicated to making continued improvements to Ohio's air, we would like to provide comments regarding the compliance schedule and deadlines for states that are included in the above referenced rule action proposed by U.S. EPA.

U.S. EPA has historically acknowledged that from the effective date of a new designation, the CAA allows states the following timeframes for completion of key actions, including:

- Two years for submission of Reasonably Available Control Technology (RACT) and Reasonably Available Control Measures (RACM) state implementation plans (SIPs);
- Three years for submission of modeling and an attainment demonstration; and
- Three years for submission of Inspection and Maintenance (I/M) SIPs.

Under these normally allowable timeframes, if U.S. EPA finalizes the proposed rule in 2022 (or even had U.S. EPA finalized bump-ups consistent with the CAA requirements in February of 2022), providing states with two to three years to submit these SIPs would mean a submission would come potentially near or after the applicable Moderate area attainment date of August 3, 2024.

With respect to RACT/RACM and other attainment planning requirements. U.S. EPA points out the fact that CAA deadlines for newly promulgated areas do not align well with reclassified areas under bump-up actions. U.S. EPA asserts it would, therefore, be *reasonable* to instead set the SIP submission deadline for modeling, attainment demonstrations, and RACT/RACM as January 1, 2023, to align with their proposal that all SIP requirements be submitted before the last full ozone year (2023) prior to the attainment date (87 FR 21855).

Additionally, U.S. EPA is proposing that implementation of all control measures, including RACT/RACM, needed for attainment occur no later than the beginning of the attainment year's ozone season. Because the attainment date of August 3, 2024, is in the middle of an ozone season, U.S. EPA further requires states to default to the full ozone season of the year prior; in this case beginning March 1, 2023.

Therefore, U.S. EPA is proposing the modeling, attainment demonstration and RACT/RACM SIP submissions be submitted by January 1, 2023 and all control measures, including RACT/RACM, be implemented by March 1, 2023. Under these compressed timeframes proposed by U.S. EPA, states will have only a few months (if this proposal can be finalized this year) to prepare their SIPs and only a few months more (beginning of the 2023 ozone season) for sources to implement compliance measures under their SIPs.

These timeframes are both unreasonable and unachievable, given the substantial amount of technical work and rulemaking necessary for states to prepare modeling, an attainment demonstration and RACT/RACM analyses. In addition, it is unreasonable to assume sources can implement the RACT/RACM measures in such a short timeframe when, in some cases, a source will have to install additional controls that take time to plan, budget and construct.

As mentioned, historically, under the CAA U.S. EPA has provided states three years to submit attainment demonstration SIPs and modeling, and two years to submit RACT/

RACM SIPs. The CAA requires states to implement RACT/RACM as expeditiously as practicable but no later than January 1 of the 5th year after the effective date of designations.

Ohio EPA respectfully requests that states be afforded at least this amount of time under the proposed reclassification action to complete these activities.

With respect to I/M programs, U.S. EPA again asserts that CAA deadlines for newly promulgated areas do not align well with reclassified areas and a SIP submission deadline for I/M SIPs of January 1, 2023, is reasonable (87 FR 21855). States that are required to develop an I/M program may require regulations or laws be enacted to provide for implementation. Furthermore, the infrastructure and contract requirements take significant time. Based on Ohio's experience in establishing our existing I/M program, we believe it would be infeasible for other states to prepare a SIP for such a program by January 1, 2023.

Furthermore, U.S. EPA acknowledges that implementing an I/M program by the 2023 ozone season would be difficult considering the numerous challenges and milestones necessary to implement a basic I/M program (87 FR 21856). U.S. EPA proposes a full implementation deadline of up to four years from reclassification; however, this timeframe may still be ambitious, considering the considerable community outreach and public education efforts that are necessary to start up a program that potentially impacts so many individuals. Ohio EPA urges U.S. EPA to give states that are required to implement an I/M program more than four years to complete this significant undertaking.

On a broader note, with decades of experience in administering an I/M program in Northeast Ohio, Ohio EPA would welcome the opportunity to meet with U.S. EPA to discuss the potential for exploring alternative programs that could be implemented to replace the emission reduction requirements of an I/M program. The technology to control emissions from vehicles has significantly improved since the 1990 CAA Amendments. As older vehicles are removed from the fleet, the newer, cleaner, more reliable replacement vehicles emit less, and I/M programs may be reaching a point where they are potentially less effective in reducing overall emissions.

We would encourage U.S. EPA to work with states on a comprehensive study on the current effectiveness of I/M programs. Such a study could be very valuable in obtaining information to help determine the need for the continuation of I/M programs and/or other programs or alternatives that are more feasible today to help achieve our collective air quality improvement objectives, such as supporting the development of more robust electric vehicle (EV) capacity in nonattainment areas. While we recognize that I/M programs are a CAA mandate, we would encourage U.S. EPA to consider re-examining this requirement and offering states the flexibility to explore other feasible alternatives. We would welcome the opportunity to participate in these discussions.

Again, thank you for the opportunity to comment. We would appreciate your consideration of these comments prior to the finalization of the above-referenced rule.

Sincerely,

A handwritten signature in blue ink that reads "Laurie A. Stevenson". The signature is written in a cursive style with a large initial 'L'.

Laurie A. Stevenson  
Director, Ohio EPA

Cc: Robert Hodanbosi, Chief, Ohio EPA Division of Air Pollution Control