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March 17, 2015

Via Electronic Submission to [A-and-R-Docket@epa.gov](mailto:A-and-R-Docket@epa.gov)  
Attn: Docket No. EPA-HQ-2008-0699

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Proposed National Ambient Air Quality Standards for Ozone, 79 FR 75234  
(December 17, 2014)

Administrator McCarthy:

The Florida Department of Environmental Protection (DEP) provides the following comments on the U.S. Environmental Protection Agency's (EPA) proposed "*National Ambient Air Quality Standards for Ozone*." DEP would appreciate EPA's consideration of its perspective when finalizing the rule.

### **Successes**

Emissions in Florida are at their lowest levels since DEP began recording them in the 1980s. Ozone precursor emissions (volatile organic compounds [VOC] and nitrogen oxides [NO<sub>x</sub>]) have decreased over 50 percent in the last decade, and 14 percent since 2010. Ozone concentrations in Florida's ambient air are also at record low levels. Peak concentrations have declined over 25 percent since the year 2000. These successes are the result of substantial financial investment in new technologies, including state of the art industrial and power generation facilities, air pollution controls, and facility process improvements.

Given the broad implications of EPA's proposal, DEP requests that EPA give due consideration to its comments below.

## **Implementation**

When establishing its revised standard, and when developing its implementation requirements, EPA should provide states with maximum flexibility to develop state-specific attainment plans. EPA should also account for a number of existing regulations which will contribute to even lower ozone levels during the compliance period for EPA's proposal. These regulations include the Tier 3 Federal Motor Vehicle Control Program, rules targeting interstate transport of NO<sub>x</sub>, and a range of new source performance standards and emissions guidelines for both VOC and NO<sub>x</sub>. EPA also should consider whether natural background concentrations would preclude compliance with EPA's proposed standards in certain geographic areas. For example, EPA estimates that 70 to 80 percent of the seasonal mean ozone levels in Florida are attributed to background contributions.<sup>1</sup>

EPA should work quickly to establish an implementation rule outlining the process for transitioning from the 2008 ozone NAAQS to any revised ozone NAAQS that EPA may adopt. Uncertainty about EPA's expectations and implementation requirements would have a significant, adverse impact on states' ability to make designation recommendations and plan for attainment in areas that do not meet the revised standard. Timely guidance is necessary for states to evaluate potential attainment boundaries and develop the best and most appropriate local control strategies for improving air quality. EPA should afford states ample opportunity to evaluate the implications of EPA's implementation rule for affected areas and supplement or revise the state's area designation recommendations, as necessary, prior to making final area designations under any revised ozone NAAQS.

## **Secondary Standard**

In this action, EPA is proposing to revise the secondary NAAQS standard for ozone. EPA has specifically solicited comments on whether the secondary standard should be revised to a W126-based form, averaged over three years, with a level within the range of 13 ppm-hrs to 17 ppm-hrs. Currently, the form of the secondary standard is the annual fourth highest daily maximum averaged over three years. As EPA has observed, a W126-based form with index values at or below 13 to 17 ppm-hrs is nearly equivalent to a secondary standard level within the range of 0.065 to 0.070 ppm, and vice versa (79 FR 75237.) In addition, EPA has found that maintaining standards in identical forms provides states with "flexibility to minimize administrative burdens while still ensuring the public health protections achieved by meeting the [standard.]" ("EPA Fact Sheet to Final Rule Implementation of the 2008 National Ambient Air Quality Standard for Ozone: State Implementation Plan (SIP) Requirements," February 16, 2015.) As such, should EPA determine that a revision to the ozone NAAQS is necessary, DEP encourages EPA to retain the form of the secondary standard as the annual fourth highest daily maximum averaged over three years.

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<sup>1</sup> EPA's *Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards* – Second External Review Draft (EPA—452/P-14/002) (January 2014).

## **Monitoring Considerations**

Section 182 (c)(1) of the Clean Air Act requires that EPA promulgate rules for enhanced monitoring of ozone, oxides of nitrogen, and VOCs in specific ozone nonattainment areas. The NCore network is a multi-pollutant monitoring network that currently consists of 80 sites. The network is intended to support multiple air quality objectives, including the development and evaluation of photochemical models (including both PM<sub>2.5</sub> and ozone models), and the tracking of regional precursor trends. EPA is proposing to revise the monitoring requirements in 40 CFR part 58, Appendix D, Section 5, to require photochemical assessment monitoring stations (PAMS) at all existing NCore sites in an ozone nonattainment area. This placement would be in lieu of the current multi-site PAMS network design requirements. EPA is also proposing to provide EPA Regional Administrators with the authority to approve an alternative location for required PAMS sites where appropriate. If EPA finds it necessary to modify the current PAMS network design requirements, DEP supports EPA's proposal to collocate PAMS monitors at NCore sites to increase efficiency and ease the maintenance burden on air monitoring network managers.

EPA is proposing to revise the Federal Reference Method (FRM) to establish a new, additional technique based on nitric oxide-chemiluminescence (NO-CL) methodology for measuring ozone in the ambient air. EPA is proposing that this new technique be incorporated into the existing ozone FRM, using the same calibration procedure. DEP supports EPA's proposal to expand the FRM to reflect advances in commercially available analyzers. DEP anticipates that the NO-CL methodology will offer substantial advantages over the existing FRM.

EPA is proposing changes in the performance requirements of Tables B-1 and B-3 of 40 CFR part 53, Subpart B ("Procedures for Testing Performance Characteristics of Automated Methods for SO<sub>2</sub>, CO, O<sub>3</sub>, and NO<sub>2</sub>") to reflect the revisions to testing performance characteristics procedures, candidate methods, and reference methods that EPA is considering in the Proposed Rule. The proposed performance limit specifications may be difficult to achieve given exceedingly small noise and minimum detectable levels in the field environment. In contrast to laboratory settings, such levels can be difficult to maintain in the field. EPA should engage in active dialogue with both equipment manufacturers and technical staff who use the equipment in laboratories and the field, and offer for public comment clear guidance as to the contexts under which these performance limit specifications will be ascertained.

## **Exceptional Events**

EPA has announced that it intends to propose revisions to the Exceptional Events Rule in a future notice and comment rulemaking. Although there are a range of exceptional events scenarios worthy of consideration, DEP looks forward, in particular, to EPA's guidance addressing Exceptional Events Rule criteria for wildfires and prescribed fires that may affect ambient ozone concentrations.

Specifically, EPA should establish clear protocols for reviewing all of the exceptional events documentation packages submitted by states. These protocols should call for EPA to respond to

states' requests for exceptional events determinations as expeditiously as practicable. Given the probabilistic nature of the ozone standard, any such protocol for reviewing exceptional events documentation packages should allow states to request that data be excluded even if those data do not reflect an exceedance of the standard, so long as the circumstances that resulted in the elevated concentrations meet the criteria for an exceptional event.<sup>2</sup>

\* \* \*

Thank you for the opportunity to comment on EPA's proposed *National Ambient Air Quality Standards for Ozone* and associated revisions to ambient monitoring quality assurance regulations. If you have any questions regarding these comments, please feel free to contact Justin Green by phone at (850) 717-9000 or e-mail at [Justin.B.Green@dep.state.fl.us](mailto:Justin.B.Green@dep.state.fl.us).

Sincerely,



Jonathan P. Steverson  
Secretary

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<sup>2</sup> Currently, states are only allowed to exclude exceptional event values if that value exceeds the NAAQS. This could lead to an exceptional value just under the NAAQS impacting an attainment /maintenance data analysis by raising the design value for a given year, thus contributing to a potential three-year average that is above the standard. As a result, a truly exceptional event could result in a nonattainment designation. Any eventual Exceptional Events Rule that EPA adopts should account for and avoid this scenario by allowing states to exclude any data associated with a demonstrated exceptional event.