Correspondence Management System
Control Number: AX-17-000-6520
Printing Date: March 20, 2017 04:43:50

Citizen Information

Citizen/Originator: **Oliver, L. Christine**
Organization: Massachusetts General Hospital
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Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-17-000-6520	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
Due Date:	Apr 4, 2017	**# of Extensions:**	0
Letter Date:	Mar 10, 2017	**Received Date:**	Mar 20, 2017
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	LTR (Letter)	**Priority Code:**	Normal
Signature:	AA-OCSPP-Assistant Administrator - OCSPP	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Urge agency to uphold the promise of the recently-enacted Toxic Substances Control Act reform legislation to protect the public health and the environment and ban the further importation and use of asbestos in the United States; Docket ID: EPA-HQ-OPPT-2016-0736

Instructions: AA-OCSPP-Prepare draft response for signature by the Assistant Administrator for OCSPP

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office
OPA - Office of Public Affairs
R1 - Region 1 -- Immediate Office
Susan Burden - AO-IO

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OCSPP	Mar 20, 2017	Apr 4, 2017	N/A
	Instruction: AA-OCSPP-Prepare draft response for signature by the Assistant Administrator for OCSPP				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

MASSACHUSETTS GENERAL HOSPITAL

HARVARD MEDICAL SCHOOL

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L. Christine Oliver, MD, MPH, MS
Associate Physician
Associate Professor of Clinical Medicine
Pulmonary & Critical Care Unit

March 10, 2017

The Honorable Scott Pruitt
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

RE: **Docket ID: EPA-HQ-OPPT-2016-0736**

Dear Mr. Pruitt:

On November 29, 2016 the Environmental Protection Agency (EPA) announced the first ten chemicals to be evaluated under the federal Toxic Substances Control Act (TSCA) as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. Among these chemicals was asbestos. At the time, assistant administrator of the Office of Chemical Safety and Pollution Prevention Jim Jones stated "Under the new law, we now have the power to require safety reviews of all chemicals in the marketplace. We can ensure the public that we will deliver on the promise to better protect public health and the environment." We the Public expect the EPA to live up to that promise.

I am a professor at Harvard Medical School and have been a practicing physician for more than 35 years. I am a Fellow of the Collegium Ramazzini and a member of the Scientific Advisory Board of the Asbestos Disease Awareness Organization (ADAO). For more than 35 years I have taught and practiced in the area of occupational and environmental medicine. A principal focus of my clinical practice and my research activities has been occupational and environmental lung disease generally and asbestos-related disease specifically. During the course of my career I have witnessed first-hand the ravaging effects of asbestos on the health of exposed individuals and their families.

In order to carry out a proper review in this case, EPA must understand fully the adverse health effects of occupational and para-occupational, residential, and incidental exposure to asbestos and take that information into account in making judgments about legislative action. For decades asbestos has been a well-recognized cause of asbestosis, a potentially fatal interstitial lung disease. Thankfully as permissible exposure limits established by the Occupational Safety and Health Administration (OSHA) have been lowered (from 5 f/cm3 in 1972 to 0.1 f/cm3 today), the prevalence of asbestosis has decreased. The same is not true for malignant mesothelioma and other asbestos-related malignancies. Data cited by the CDC earlier this month revealed 2,785 deaths from malignant mesothelioma in the United States in 2015, increased from 2,483 in 1999. Deaths are occurring not only in older populations of workers with exposures decades ago but also in younger individuals ages 35-55. Asbestos-related malignancies have

long latency periods, up to and greater than 45 years for malignant mesothelioma. Thus deaths in these younger age groups provide evidence of adverse health effects of more recent and lower level asbestos exposure.

Malignant mesothelioma remains a virtually-universally fatal tumor. It arises from the mesothelial-cell lining of the thoracic cavity (pleura), the abdominal cavity (peritoneum), and the testes (tunica vaginalis). In addition to malignant mesothelioma, asbestos causes lung cancer, cancer of the larynx, and cancer of the ovary. The latter two were added to the list of recognized asbestos-related cancers by the International Agency for Research on Cancer (IARC) in 2009 and published in its Monograph 100C in 2012. Other cancers for which there is substantial scientific literature indicating causal associations include gastrointestinal and kidney cancers.

Two major fiber types of asbestos have been in commercial use in the United States. These are serpentine fibers (chrysotile) and amphibole fibers (amosite and crocidolite). There are data to suggest that chrysotile may be less potent than amphibole fibers in inducing malignant mesothelioma; but the published scientific literature leaves no doubt that chrysotile asbestos causes malignant mesothelioma. There is no evidence that fiber type plays a role in any of the other asbestos-related malignancies or diseases. OSHA has regulated all fiber types in the same manner, stating in its 1994 asbestos standard "The evidence submitted in support of the claim that chrysotile asbestos is less toxic than other asbestos fiber types is related primarily to mesothelioma. This evidence is unpersuasive, and it provides an insufficient basis upon which to regulate that fiber type less stringently."

It is necessary to point out that although asbestos-related diseases are dose-related – i.e., the higher the cumulative dose the greater the risk on a population basis – there is no known safe level of exposure to asbestos, a fact well-known to occupational and public health professionals and reiterated in the NIOSH Current Intelligence Bulletin 62 published in 2011. Because it is the cumulative dose that matters, short-term low-level exposures count because they add to the cumulative dose.

For malignant mesothelioma, exposure to asbestos for periods as short as one to several days have been associated with increased risk for disease. For lung cancer, the dose-response relationship between occupational exposure to asbestos and risk for disease has been shown to be linear by a number of scientific investigators in this country and elsewhere. There is no evidence of a threshold, a level of exposure below which there is no risk for related malignancy.

Given the level of medical and scientific knowledge about dose-response relationships between asbestos and malignant mesothelioma and lung cancer, the best-studied of the asbestos-related malignancies, the EPA, a government agency charged with protecting the Public Health, must be diligent in its efforts to prevent even low level exposures in all settings – the home, the workplace, and the general environment. In my opinion, the only way that this goal can be obtained is by banning the importation and use of asbestos in the United States. The Collegium Ramazzini, an international organization of respected occupational health professionals, has called on a number of occasions for the banning of asbestos world-wide, most recently in 2015.

The only current use of imported asbestos in the United States is in the chlor-alkali industry. As written testimony submitted by my colleague Dr. Barry Castleman demonstrates, the asbestos is chrysotile and its use is in diaphragm cells in chlor-alkali plants. But the public is unwittingly exposed to asbestos in a number of other settings. These include asbestos in asbestos-containing materials (ACM) "in place" in

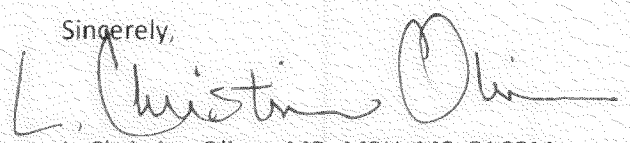
buildings, meaning previously installed in the form of insulation and other construction materials, never removed, and now in poor condition; asbestiform fibers in Zonolite used for home insulation and gardening; brakes and clutches in older vehicles; and stone obtained from asbestos-contaminated quarries, crushed, and used for road resurfacing. Residential proximity to an asbestos source has resulted in environmental exposures.

More than 50 countries have banned the production, exportation, importation, and use of asbestos. Sadly, the United States is not among them. In December, 2016 Canada, once a major producer and exporter of asbestos, announced that it would ban asbestos by 2018. That our country continues to import and use asbestos commercially is an embarrassment.

On behalf of the hundreds of thousands in this country who have died as a result of asbestos-related disease and the tens of thousands more who remain at risk, I urge you to uphold the promise of the recently-enacted TSCA reform legislation to protect the public health and the environment and ban the further importation and use of asbestos in the United States.

Thank you for your attention to this life and death matter.

Sincerely,



L. Christine Oliver, MD, MPH, MS, FACPM

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Boston, MA

President
Occupational Health Initiatives, Inc., Brookline, MA

Correspondence Management System
Control Number: AX-17-000-6555
Printing Date: March 21, 2017 11:59:52

Citizen Information

Citizen/Originator: **Markland, Joel B.**
Organization: BCA Environmental Consultants, LLC
Address: 7202 East 87th Street, Indianapolis, IN 46256

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-17-000-6555	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
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Letter Date:	Mar 20, 2017	**Received Date:**	Mar 21, 2017
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	AA-OLEM-Assistant Administrator-OLEM	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: DRF - I urge you to keep the EPA Brownfields Grant program in place as it is a vital tool for communities
Instructions: AA-OLEM-Prepare draft response for signature by the Assistant Administrator for OLEM
Instruction Note: N/A
General Notes: N/A
CC: Silvina Fonseca - AO-IO

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Brigette Moritz	OEX	OLEM	Mar 21, 2017	Apr 4, 2017	N/A
	Instruction: AA-OLEM-Prepare draft response for signature by the Assistant Administrator for OLEM				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date

BCA Environmental Consultants, LLC
AIR ☐ WATER ☐ SOLID WASTE ☐ BROWNFIELDS ☐ REMEDIATION SERVICES

USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt:

I am a small business owner in Indiana and woul d like to share my thoughts on the EPA Brownfields Grant Program. Specifically, how it benefits my company and communities throughout Indiana that my firm is privileged to serve as an environmental consultant. This funding has triggered many millions of dollars in economic development, and the elimination of the program will drastically inhibit private investment in properties hindered by environmental impacts. I understand that President Trump's budget proposal may eliminate this funding, and I urge you to advocate that it be kept in place.

First, let me share some basic information about my business. BCA Environmental Consultants was started in 1988 in Elkhart, Indiana, and has grown steadily over the past 30 years. We currently employ 14 people in two locations, Indianapolis and South Bend, with an average salary of nearly $68,000 per year. These are valuable, high-wage jobs making a real financial impact in the communities within which our employees live and work. One of our firm's areas of expertise is helping municipal clients address brownfield sites blighting their communities. These sites are vacant or underutilized properties that are known or believed to be contaminated.

The EPA Brownfield program provides the initial, up -front capital that often triggers private investment and redevelopment. The initial due diligence investment in a real estate transaction is often the most at risk capital in the transaction. The EPA Brownfields program provides this investment, reducing the risk and stimulating redevelopment. This results in job creation and increased tax revenues for our local communities.

This program is a very effective economic development tool. In the past five years alone, our client communities in Indiana have leveraged more than $48M in investment on just over $2M in EPA Brownfields Assessment Funding. This represents a 24:1 leveraging ratio in just the communities my firm serves, with many millions more expected on projects not yet announced. Below are a few examples of redevelopment projects that would not have happened without the initial investment of EPA Grant funding to stimulate growth and private investment:

City of Bloomington, Indiana

Bloomington has a history of successfully leveraging investment in projects throughout the community. The City was awarded a $200K EPA Brownfields Assessment Grant for FY13. 100% of the funds were strategically expended approximately 20 months after the award. , To date, they have leveraged $31.1M in additional investment on the six properties investigated. This includes a mixed-use commercial/residential development called "Moving Forward" with a committed

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investment of $10M. Each of the six sites is expected to be fully redeveloped within the next five years, creating an estimated 200 -300 j obs and $50M in additional leveraged investment. Bloomington has also begun a $30M redevelopment of a former railroad switchyard into a world class park, with project completion expected in 2020. In all, the City has leveraged tens of millions of dollars to improve streets, sidewalks, greenways, and other infrastructure projects over the past five years to help revitalize the community. Future EPA Brownfields Grant Program funding will add to this leveraging effort to further revitalize the community.

City of Logansport, Indiana

Logansport, after forging a strategic partnership with the nearby local governments of Fulton County and the City of Rochester (collectively the Coalition), was awarded a $686.5K EPA Brownfields Assessment Grant for FY12. 100% of the funds were strategically expended, and to date, they have leveraged $5.77M in additional investment and nearly 100 jobs have been created. For example, $28,754 in EPA Brownfields Grant funding was invested in a vacant, former fiberglass product manufacturing facility. As a result, the property was purchased, and $3.9M was invested in the redevelopment and improvement of the site, creating 39 permanent jobs. More investment in the Coalition area is planned. Exide (adjoins downtown Logansport) is investing $960K to demolish their former factory, and Fulton County has committed $300K to the demolition of a dilapidated former opera house. Both sites have had environmental investigations completed and will be available for redevelopment when demolit ion is complete. An estimated $925K has been invested in the assessment and demolition of 34 other blighted properties in Logansport. In total, the Coalition has leveraged tens of millions of dollars in grant funding to improve streets, sidewalks, greenways, and other infrastructure projects over the past five years to help revitalize the community. These projects are indicative of how we are able to use non -local funds to stimulate redevelopment. Logansport received a FY12 EPA Brownfields Assessment Grant which was used to stimulate redevelopment of the L&M Stamping site, where $120K in private investment was leveraged and 10 jobs were created.

The Town of Bourbon, Indiana

Located in north central Indiana in Marshall County, the small town of Bourbon has suffered from several blighted properties, including a former glass -cutting and vinyl window assembly plant which closed in the early 2000's. Significant concerns about the unclear environmental conditions on the site had hindered redevelopment, and using $19,354 in EPA Brownfields Grant funds, these environmental conditions were clarified. This triggered an interest from a regional business owner who was seeking a facility on which to expand his company. Ultimately, $1.11M in private investment was made to modernize and equip the property and 25 jobs were created with plans to add many more over the next two years.

City of Jeffersonville, Indiana

Jeffersonville received a $400K in EPA Brownfields Grant funding in FY15, which they are currently investing in high priority redevelopment targets in their community. One such site is a former factory and adjoining auto body shop. With an investment of$45,500 in brownfields grant funding, they successfully leveraged a $10M development that includes low income senior

housing, as well as commercial property, making a modern, highly needed mixed-use development that will serve as a catalyst for future development in the community.

As is shown above, the EPA Brownfields Grant program is a vital tool for communities throughout the United States to trigger private investment, and has a proven record of success. Often, in large cities such as Indianapolis, the private real estate market takes care of the average 0.25 -5.0 acre brownfield properties because land in these communities is valuable. The risk associated with purchasing a site with unknown environmental cost is offset by the potential of revenue realized by the development. However, in smaller communities, this is not the case. Brownfields frequently remain vacant, with redevelopment stalled, often due to the lack of knowledge about the environmental conditions of the site, and the higher level of risk associated with investing in a property with unknown environmental hazards. Similarly, large manufacturing sites with unknown environmental conditions in urban areas such as Indianapolis are often too risky for even the most sophisticated investors and developers. Using the EPA's Brownfield Grant Program funding to clarify the environmental conditions on a property is often the only thing needed to stimulate interest and ultimately, investment in an otherwise overlooked property.

As a small business owner, my staff and I have worked hard to position ourselves in the environmental consulting market. We specialize in helping our municipal clients find funding to stimulate investment in their communities, and EPA Brownfields Grants play a vital role in our strategy. It is my understanding that President Trump's proposed budget may cut this program. As a leading expert in brownfield redevelopment, I urge you to keep this program in place. I have only shared a few of the many examples of how this program stimulates economic development, a goal you undoubtedly share with me as a fellow Hoosier. I would like the opportunity to discuss the benefits of the EPA Brownfields Grant Program with you. It would be my honor and pleasure to elaborate on the impact this program has on my firm, as well as the communities we serve, and I look forward to the opportunity to do so.

Sincerely,

Joel B. Markland, President

Correspondence Management System
Control Number: AX-17-000-6592
Printing Date: March 21, 2017 02:35:43

Citizen Information

Citizen/Originator: **Draper-Rutherford, DeLynn**
Organization: City of Jeffersonville
Address: 500 QuarterMaster Court, Jeffersonville, IN 47130

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-17-000-6592	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
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Letter Date:	Mar 21, 2017	**Received Date:**	Mar 21, 2017
Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	AA-OLEM-Assistant Administrator-OLEM	**Signature Date:**	N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: DRF - Preserve the Brownfields Grant Program
Instructions: AA-OLEM-Prepare draft response for signature by the Assistant Administrator for OLEM
Instruction Note: N/A
General Notes: N/A
CC: OCFO - OCFO -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OPA - Office of Public Affairs
R5 - Region 5 -- Immediate Office
Silvina Fonseca - AO-IO

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OLEM	Mar 21, 2017	Apr 5, 2017	N/A
	Instruction: AA-OLEM-Prepare draft response for signature by the Assistant Administrator for OLEM				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

CITY OF JEFFERSONVILLE

OFFICE OF REDEVELOPMENT

812-285-6406 OFFICE

CITY HALL
500 QUARTERMASTER COURT, ROOM 257
JEFFERSONVILLE, INDIANA 47130

March 21, 2017

Dear Administrator Pruitt:

As member of the local government administration in Jeffersonville, Indiana, I am writing today to urge you to preserve the EPA Brownfields Grant Program. The EPA Brownfields program funds provide the initial environmental investment in a real estate transition, reducing the risk and stimulating redevelopment. This results in job creation and increased tax revenues for our local community.

We have benefited from investment of EPA Grant funding in our community. Jeffersonville received $400K in EPA Brownfields Grant funding in FY15, which we are currently investing in high priority redevelopment targets in our community. One such site is a former factory and adjoining auto body shop. With an investment of $45,500 in brownfields grant funding, we have successfully leveraged a $10M development that includes low income senior housing, as well as commercial property, making a modern, highly needed mixed-use development that will serve as a catalyst for future development in the community.

As is shown above, the EPA Brownfields Grant program has been pivotal in triggering private investment in our community and has proven to be successful. Often, in large cities, the private real estate market takes care of brownfield properties because land is valuable. The risk associated with purchasing a site with unknown environmental cost is offset by the potential of revenue realized by the development. However, in smaller communities such as ours, this is not the case. Brownfields frequently remain vacant, with redevelopment stalled, often due to the lack of knowledge about the environmental conditions of the site, and the higher level of risk associated with investing in a property with unknown environmental hazards. Using the EPA's Brownfield Grant Program funding to clarify the environmental conditions on a property is often the only thing needed to stimulate interest and investment in an otherwise overlooked property.
I understand that cuts to this program are being considered. As a representative of a community where EPA Brownfields Funding has worked, I urge you to do your part to see that this program continues.

Respectfully,

DeLynn Rutherford
Grants Administrator

Correspondence Management System
Control Number: AX-17-000-6591
Printing Date: March 21, 2017 03:09:05

Citizen Information

Citizen/Originator: **Carrel, Marc**
Organization: South Coast Air Quality Management District
Address: 21865 Copley Drive, Diamond Bar, CA 91765

Nastri, Wayne
Organization: South Coast Air Quality Management District
Address: 21865 Copley Drive, Diamond Bar, CA 91765

Constituent: N/A
Committee: N/A **Sub-Committee:** N/A

Control Information

Control Number:	AX-17-000-6591	**Alternate Number:**	N/A
Status:	Pending	**Closed Date:**	N/A
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Addressee:	AD-Administrator	**Addressee Org:**	EPA
Contact Type:	EML (E-Mail)	**Priority Code:**	Normal
Signature:	AA-OAR-Assistant Administrator - OAR	**Signature Date:**	N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: DRF - Invitation to visit the South Coast Air Quality Management District Headquarters in California; Support for the Diesel Emission Reduction Act and other programs threatened with budget cuts
Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR
Instruction Note: N/A
General Notes: Email forwarded to Aaron Dickerson to handle invite (jl)
CC: Kristien Knapp - AO-IO
OCFO - OCFO -- Immediate Office
OECA - OECA -- Immediate Office
OPA - Office of Public Affairs
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OAR	Mar 21, 2017	Apr 5, 2017	N/A
	Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR				

Supporting Information

Supporting Author: N/A

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 □ www.aqmd.gov

Office of the Executive Officer
Wayne Nastri
909.396.2100, fax 909.396.3340

March 17, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

Congratulations on your appointment as the new Administrator of U.S. EPA. As the Executive Officer of the South Coast Air Quality Management District (SCAQMD), I am writing on behalf of the nearly 17 million people in Southern California to urge you to protect the critical grant programs necessary to achieve clean air and protect public health.

As you may know, the South Coast Air Basin has the worst air quality in the nation, and suffers from the greatest population-weighted health risk as a result of high particulate and air toxics emissions. Heavy-duty diesel trucks produce significant amounts of NOx, PM2.5, and toxic emissions, with truck emissions expected to increase significantly with projected population and trade growth. Emissions from heavy-duty trucks must be significantly reduced to meet air quality standards. That is why we urge your support to protect critical programs including, but not limited to, the Diesel Emission Reduction Act (DERA), Clean Air Act Section 103 & Section 105 funding programs, the Targeted Air Shed Grant program, and programs supporting environmental justice.

DERA

The Diesel Emission Reduction Act National Grant, Rebate and Loan Program (Section 792 of Title VII, Subtitle G of the Energy Policy Act of 2005) (DERA) expired at the end of 2016 without being reauthorized by Congress. This program has been extremely successful in providing cost-effective public health and environmental benefits to areas across the nation. Diesel-powered vehicles and equipment play an important role in the nation's economy and are getting cleaner every day. DERA, originally enacted in 2005, and then re-enacted in 2010 with overwhelming bipartisan support, was designed to reduce emissions from the 20 million existing diesel engines in use today by as much as 90 percent.

The DERA program continues to be needed because of the long-lived nature of diesel vehicles. We estimate that nearly 60% of the diesel trucks and buses on the road today are

more than ten years old and emit much higher levels of pollution than the vehicles using today's technology. Without a program like DERA, these older vehicles will stay on the road until they wear out, emitting pollutants that could be significantly reduced if replaced with newer technology. In fact, a Report to Congress on the first year of the DERA program, U.S. EPA estimated that for every dollar spent on the DERA program, an average of more than $20 in health benefits is generated. Each state in the nation now has a diesel retrofit program and benefits from DERA funding.

We respectfully request your support to both reauthorize and fully fund the DERA program.

Clean Air Act Sections 103 and 105 Grants
Federal grants under Sections 103 and Section 105 of the Clean Air Act also help state and local air pollution control agencies across the nation improve air quality. The Section 103 grants are typically used for specialized air monitoring programs and the Section 105 funds are used to implement programs to prevent and control air pollution and address primary and secondary ambient air quality standards.

South Coast AQMD has been a recipient of both of these grant programs. Section 103 grant funds have been used to monitor PM 2.5 in order to determine reductions in air emission levels. These funds also enable SCAQMD to monitor the ambient concentration of air toxics compounds and provided support to monitor pollution near some of SCAQMD's most heavily trafficked roadways. SCAQMD has used Section 105 funds to provide continuing support for a variety of important activities including the criteria pollutant air monitoring network, Photochemical Assessment Monitoring Stations (PAMS), strategic planning and evaluation, compliance assistance, developing the state implementation plan (SIP), rulemaking, issuing operating permits to regulated entities, and other program related activities. We have also used these funds to obtain equipment to monitor lead pollution and help fund the installation of air filtration systems at schools in areas with some of the worst air quality in the nation.

Both of these programs help clean air agencies with many critical needs, and gutting these programs would hinder the ability of local and state agencies across the nation to improve air quality for their residents. We therefore respectfully request your support for continued funding for Clean Air Act Section 103 and Section 105 funds.

Targeted Air Shed Grant Program
The Targeted Air Shed Grant Program provides grant funding to assist local agencies in planning, demonstrations and projects to reduce air pollution in non-attainment areas with the highest levels of ozone and fine particulate matter (PM2.5) ambient air concentrations. These grants are targeted for the nation's top five non-attainment areas under the 2008 ozone standard, the 2012 PM2.5 annual standard, and the 2006 PM2.5 24-hour standard. Eligible recipients include such diverse areas as Fairbanks, Alaska; Logan, Utah; West Silver Valley, Idaho; and Provo, Utah; as well as the South Coast basin of California.

We respectfully request you support continued funding for this program targeting the most polluted areas of the country.

Environmental Justice Programs
SCAQMD has been committed to achieving environmental justice (EJ) since we adopted our original ten EJ initiatives two decades ago. Since then, environmental justice has been interwoven into many actions we have taken to help the nearly 17 million people in our region breathe cleaner air.

Still, too many people are living in neighborhoods disproportionately impacted by air pollution. Their homes, schools and parks are surrounded by industries, freeways, and traffic congestion. Despite all of the efforts we have made to improve air quality in our region, air pollution is still a hazard to the health of individuals of all ages – children, adults and seniors.

EPA has also made a commitment to empower, educate and ensure equal treatment for people in affected communities to better understand environmental and public health issues and identify ways to address them. This commitment to those who often face disproportionate impacts from local pollution sources is pivotal in building strong relationships with local communities, and ensuring everyone has a healthy environment in which to live, learn, and work.

We respectfully request your support for continuing funding for environmental justice programs.

Economic Benefits
The Clean Air Act in 1990 requires EPA to study the cumulative health and societal benefits resulting from improvements in air quality. In 2011, it released its Second Prospective Study on the current and projected benefits from the Clean Air Act Amendments of 1990. That study found that emissions control programs that reduce air pollution from smokestacks and tailpipes provide enormous air quality and health benefits, which will grow over time as programs take their full effect. There are also significant pollution-related health care savings by governments, private insurers, individuals, and families.

Based on the health benefits estimated in the EPA study, the analysis determined that between 2000 and 2020, the rules adopted pursuant to the Clean Air Act Amendments will save over $612 billion combined in direct pollution-related health care expenditures, including $313.5 billion from Medicare, Medicaid, and other federal health programs and $54.6 billion in out-of-pocket medical expenses for American families.

Not only are these cost savings significant, but the **Clean Air Act Amendments of 1990 were projected by EPA to prevent over 160,000 early deaths in 2010 rising to over 230,000 prevented deaths by 2020.** Most of the economic benefits (about 85 percent) are attributable to reductions in premature death due to reductions in air pollution (particularly

ambient particulate matter). And the study estimated that benefits exceed costs by a factor of more than 30 to one.

These results show that investing more dollars in programs to improve air quality will achieve tremendous benefits for individuals, families, local and state governments and the economy.

Conclusion

In his address to a joint session of Congress, President Trump said "My administration wants to work with members in both parties to…promote clean air and clear water..." In addition, you stated in your remarks to Congress that "the States" must serve as "our nation's frontline environmental implementers and enforcers. If we truly want to advance and achieve cleaner air and water the States must be partners and not mere passive instruments of federal will." We agree that this is important.

However, while State and local air agencies across the nation are on the front lines working to accomplish the enormous task of cleaning the air, we are doing so with regard to the mandates imposed upon us by the federal Clean Air Act and U.S. EPA. We are doing our very best to make sure that we achieve clean air and improve the public health of our population. But we cannot accomplish this without adequate funding. These grant programs have been critically important to doing our job. But to meet the federal standards by the upcoming federal deadlines, it will take more federal support – not less – to accomplish our task.

We urge you to support, maintain and fully fund the DERA, Sections 103 and 105 grants, Targeted Air Shed Grant, and environmental justice programs, so that we can make clean air for all a reality soon.

Sincerely,

Wayne Nastri
Executive Officer

WN/drw

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 □ www.aqmd.gov

Office of the Executive Officer
Wayne Nastri
909.396.2100, fax 909.396.3340

March 16, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

I am writing to introduce you to the South Coast Air Quality Management District and invite you to visit us in Southern California to see for yourself the work we are doing to clean the air for the people who live in the most polluted region of the country.

The South Coast Air Quality Management District (AQMD) is the regional clean air agency for much of Southern California. Our region of 10,743 square miles covers four major Southern California counties: all of Orange County and the non-desert portions of Los Angeles, San Bernardino and Riverside Counties. With a population of nearly 16.7 million people, we have a larger population than all but four states. The South Coast region alone constitutes 5% of total U.S. employment (2007 data) and 5.75% of total GDP (2008 data).

Southern California's historic battles with poor air quality are well documented. Since the mid-20th century, the Greater Los Angeles region has been at the forefront of air pollution science, low-emissions technology development, and innovative air quality regulation. As long-time residents of the South Coast Air Basin can attest, these efforts have led to substantial and noticeable improvements in air quality and public health, all during a period of dramatic increases in population, economic activity, jobs, vehicles, and vehicle miles traveled. These improvements in air quality over the years are primarily due to technological advances in pollution controls, pollution prevention, clean fuels, alternative energy, combustion processes, and air quality control programs at the local, state and federal levels.

South Coast AQMD was created in 1977 by combining four county agencies including the Los Angeles County Air Pollution Control District, which was the first agency in the nation dedicated to cleaning up air pollution when it was formed in 1947. This year is not only the 40th anniversary of the South Coast AQMD's existence, but it is also the 70th anniversary of the fight against air pollution in the U.S. As such, we invite you to join us in Southern California at a mutually convenient time to highlight the seven decades of work that have

brought us to where we are today. We wish to show you a sampling of the clean air technologies being developed in our region, to tour our world-renowned laboratory, and meet with community and business leaders committed to achieving clean air.

As a former Regional Administrator for USEPA under the Bush Administration, I know you have many demands on your time and schedule. We will accommodate whatever works with your schedule and look forward to meeting you both in Washington, D.C. and in Southern California. Please feel free to have your staff contact me should you have any questions or Derrick Alatorre, Deputy Executive Officer for Legislative, Public Affairs and Media at (909) 396-3122 to schedule any meetings. Thanks for your consideration and we look forward to seeing you soon.

Sincerely,

Wayne Nastri
Executive Officer

WN/drw

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Subject: DRF - Petition of the "Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter," which was published at 82 Fed. Reg. 5182 (Jan. 17, 2017).
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Instruction Note: N/A
General Notes: N/A
CC: Kristien Knapp - AO-IO
OGC - Office of General Counsel -- Immediate Office
OP - Office of Policy
OPA - Office of Public Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
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Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
StephanieN Brown	OEX	OAR	Mar 21, 2017

History

Action By	Office	Action	Date
StephanieN	OEX	Forward control to OAR	Mar 21, 2017

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March 20, 2017

VIA ELECTRONIC MAIL

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

PETITION OF THE NAAQS IMPLEMENTATION COALITION TO THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR ADMINISTRATIVE RECONSIDERATION OF PORTIONS OF THE FINAL RULE ENTITLED "REVISIONS TO THE GUIDELINE ON AIR QUALITY MODELS: ENHANCEMENTS TO THE AERMOD DISPERSION MODELING SYSTEM AND INCORPORATION OF APPROACHES TO ADDRESS OZONE AND FINE PARTICULATE MATTER"

82 Fed. Reg. 5182 (Jan. 17, 2017)
EPA–HQ–OAR–2015–0310

Administrator Pruitt:

Enclosed, pleased find from the National Ambient Air Quality Standards ("NAAQS") Implementation Coalition a Petition for Reconsideration of portions of the final rule of the United States Environmental Protection Agency entitled "Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter," 82 Fed. Reg. 5182 (Jan. 17, 2017). A copy of this petition has also been electronically mailed to the Air and Radiation Docket for filing in EPA docket number EPA–HQ–OAR–2015–0310.

Please contact me if you have any questions regarding this petition.

HUNTON& WILLIAMS

Sincerely,

Joseph C. Stanko, Jr.
Counsel for the
NAAQS Implementation Coalition

Attachment

cc: EPA Air and Radiation Docket
Ryan Jackson, Chief of Staff
Sarah Dunham, Acting Assistant Administrator, Office of Air and Radiation
Steve Page, Director, Office of Air Quality Planning and Standards (OAQPS)
Chet Wayland, Director, Air Quality Assessment Division, OAQPS
Tyler Fox, Leader, Air Quality Modeling Group, OAQPS
George Bridgers, Director, Model Clearinghouse, OAQPS

BEFORE THE ADMINISTRATOR OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter; Final Rule. 82 Fed. Reg. 5182 (Jan. 17, 2017)	Docket No. EPA-HQ-OAR-2015-0310

PETITION OF THE NAAQS IMPLEMENTATION COALITION FOR RECONSIDERATION OF PORTIONS OF THE FINAL RULE

The National Ambient Air Quality Standards ("NAAQS") Implementation Coalition[1] hereby petitions the Administrator of the United States Environmental Protection Agency (the "Administrator," "EPA" or the "Agency") to reconsider portions of the final rule referenced above.[2] That rule – the "Final Appendix W Rule" – was published in the *Federal Register* on January 17, 2017, 82 Fed. Reg. 5182, with an effective date of May 22, 2017.

The Final Appendix W Rule promulgates revisions to the *Guideline on Air Quality Models*, 40 C.F.R. part 51, appendix W ("Appendix W"), which lists EPA's preferred models and recommended modeling techniques and serves as guidance for the use of air quality modeling in estimating ambient concentrations of air pollutants. Many parts of the Final Appendix W Rule provide needed improvements to EPA-preferred models, and we strongly support such improvements.

We are concerned, however, with specific provisions of the Final Rule, some of which appeared for the first time in the Final Appendix W Rule, and, thus were not previously available for comment. The remainder of this petition provides an overview of our concerns, which are of central relevance to the Final Appendix W Rule. We intend to file a more-detailed supplement to this petition at a later date that will expound further on our concerns.

[1] The NAAQS Implementation Coalition includes trade associations, companies, and other entities that confront challenges in permitting and operating facilities under increasingly-stringent NAAQS, including those for ozone and $PM_{2.5}$. It is our experience that addressing these challenges is critical to fostering economic expansion, creating jobs in manufacturing and other economic sectors, and generating needed tax revenue for local communities throughout the country.

[2] This petition is filed pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. § 553(e), and, to the extent it may be applicable and relevant, section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B).

OBJECTIONS

Single-Source Photochemical Grid Modeling for Ozone and $PM_{2.5}$ Precursors

The Final Appendix W Rule establishes a new requirement that, in the absence of a screening analysis that results in a source being exempt from conducting and reporting the results of air quality modeling, applicants seeking prevention of significant deterioration ("PSD") permits must model impacts on ambient air quality of their emissions of precursors to ozone and $PM_{2.5}$ using a "chemical transport model" such as a photochemical grid model or a suitable Lagrangian model.[3] EPA does not, however, specify a preferred model for this purpose.[4] We believe that the current state of modeling technology does not support this requirement.

Although the Clean Air Act requires applicants for PSD permits to provide "an analysis of air quality,[5] and that the Administrator "specify with reasonable particularity each air quality model or models to be used" for this analysis,[6] EPA long recognized that "it was not technically sound to designate with particularity specific models to be used to assess the impacts of a single source of ozone" or $PM_{2.5}$ and, instead, allowed a permit applicant, working with the permitting authority, to choose a "method" to conduct the required air quality analysis.[7] Despite evaluation, as requested by the Sierra Club, of whether "to designate air quality models for ozone and fine particles ($PM_{2.5}$) for use by all major sources applying for a prevention of significant deterioration (PSD) permit,"[8] EPA concluded that it could not make such designations.[9] EPA should, therefore, have retained the existing requirements applicable to sources emitting precursors of ozone and $PM_{2.5}$.

Although photochemical grid modeling may often be capable of characterizing "[t]he complex chemistry of ozone and secondary formation of $PM_{2.5}$,"[10] EPA recognizes that it remains the case that no single model will be most appropriate for "the diversity in chemical and physical environments across the United States."[11] Selection, justification, and use of a chemical transport model for a specific PSD permit application will be both time-consuming and expensive. Indeed, it could be cost-prohibitive, particularly for smaller sources.[12]

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[3] 82 Fed. Reg. at 5213 (to be codified at 40 C.F.R. Part 51, Appendix W 5.3.2(c)).

[4] *Id.* at 5193.

[5] Clean Air Act § 165(e)(3)(B), 42 U.S.C. § 7475(e)(3)(B).

[6] *Id.* at (e)(3)(D).

[7] Letter from Gina McCarthy, Assistant Adm'r, Office or Air and Radiation, EPA, to Mr. Robert Ukeiley 2 (Jan. 4, 2012).

[8] *Id.* at 1.

[9] *Id.* at 2.

[10] *Id.*

[11] 82 Fed. Reg. at 5193.

[12] *See, e.g.*, NAT'L. ASS'N. OF CLEAN AIR AGENCIES, $PM_{2.5}$ MODELING IMPLEMENTATION OF PROJECTS SUBJECT TO NATIONAL AMBIENT AIR QUALITY DEMONSTRATION REQUIREMENTS PURSUANT TO NEW SOURCE

What EPA has done, however, is to effectively eliminate the alternative that previously existed of exploring other methods for analyzing the impact of a proposed source on air quality. Although few alternatives may exist, a permit applicant should be free to explore them, as they have in the past.

This is important because, as noted in 2015 by the Interagency Workgroup on Air Quality Modeling Phase 3 ("IWAQM 3"), "at this time, it is not clear that a robust reduced form model exists for either O_3 or secondary $PM_{2.5}$ for the purpose of assessing single source downwind impacts of these pollutants."[13] There have been no significant technical advances in ozone and $PM_{2.5}$ precursor modeling since that 2015 report. Nevertheless, EPA announced in its Response to Comments for the Final Appendix W Rule that it was revising IWAQM 3 to note the existence of screening tools like Model Emission Rates for Precursors ("MERPs").[14] Draft guidance on development of MERPs for ozone and $PM_{2.5}$ was not available, however, until after the Final Appendix W Rule was published. In any case, we do not find MERPs to be "robust," as that screening method still requires further development. The draft guidance outlining MERPs does not, at this point, provide justification for the new approach to air quality analysis of sources of precursors to ozone and $PM_{2.5}$ included in the Final Appendix W Rule.

Therefore, EPA should return to its long-standing prior approach to air quality analysis to support PSD application for sources that emit precursors to these pollutants. At a minimum, the Agency should adopt a moratorium on single-source precursor modeling of at least three years to further develop cost-effective models and screening techniques. EPA can reevaluate the state of technology at the close of that period to determine whether the moratorium should continue.

Low-Wind Speed Over-Prediction

The prior regulatory-default versions of AERMOD and the associated AERMET meteorological model significantly over-predict short-term ambient pollution levels at low wind speeds, as shown by peer-reviewed model evaluation studies.[15] We appreciate that EPA has recognized and sought to address this deficiency in its preferred AERMOD modeling

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REVIEW 2-5, Jan. 7, 2011 ("[I]t is recognized that photochemical grid models can be resource intensive and require special expertise. As such, it is anticipated that this method will be used mostly for large emitting sources.").

[13] EPA, INTERAGENCY WORKGROUP ON AIR QUALITY MODELING PHASE 3 SUMMARY REPORT: NEAR-FIELD SINGLE SOURCE SECONDARY IMPACTS 3-4, EPA-454/P-15-002, July 2015.

[14] EPA, RESPONSE TO COMMENTS ON THE REVISIONS TO THE GUIDELINE ON AIR QUALITY MODELS: ENHANCEMENTS TO THE AERMOD DISPERSION MODELING SYSTEM AND INCORPORATION OF APPROACHES TO ADDRESS OZONE AND FINE PARTICULATE MATTER 51-52, EPA Docket No. EPA-HQ-OAR-2015-0310-0156 (Dec. 20, 2016) (hereinafter the "Final Appendix W Rule Response to Comments").

[15] *See, e.g.*, BOB PAINE, JEFFRY CONNORS, AND CARLOS SZEMBEK, AERMOD LOW WIND SPEED EVALUATION STUDY: RESULTS AND IMPLEMENTATION, Paper 2010-A-631-AWMA, 2010 (presented at the 103rd Annual Conference and Exhibition of the Air & Waste Management Association).

system.[16] However, the revision that EPA has adopted has not been the subject of public comment. Indeed, we have concerns that the Final Appendix W Rule insufficiently addresses AERMOD's acknowledged excessively high predictions.

LOWWIND

EPA had proposed to incorporate an AERMOD option called LOWWIND3 to address excessively high predicted pollutant concentrations under low wind speed conditions.[17] According to EPA, "[t]he majority of commenters supported the EPA's proposal to incorporate the LOWWIND3 option into the regulatory version of AERMOD because they believed it would provide a more realistic treatment of low wind situations and reduce the potential for overprediction of the current regulatory version of AERMOD for such conditions."[18] However, "one commenter indicated that the proposed LOWWIND3 option in AERMOD will 'reduce model accuracy' . . . ."[19] Citing modeling from this lone commenter, EPA did not include LOWWIND3, or its industry-supported predecessors, LOWWIND1 and LOWWIND2, as options in the revised regulatory default version of AERMOD.[20] This modeling could not have been addressed during the comment period. Other modeling, however, continues to demonstrate the suitability of the LOWWIND options.[21] EPA should promptly make LOWWIND3 an approved Guideline option for AERMOD through the Model Clearinghouse and work to specify through an Appendix W rulemaking when its use would be appropriate.

ADJ_U*

The Final Appendix W Rule asserts that "EPA is adopting the proposed ADJ_U* option in AERMET as a regulatory option."[22] We appreciate that EPA has done so. However, EPA has effectively confirmed that it has, in fact, adopted a revised, more conservative, version of ADJ_U* in AERMET than had been proposed.[23]

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[16] 82 Fed. Reg. 5185 (noting "issues with AERMOD model tendency to overprediction from some sources under stable, low wind speed conditions.").

[17] *Id.*

[18] *Id.* at 5187.

[19] *Id.* at 5187-5188.

[20] *Id.* at 5188.

[21] *See, e.g.*, Bob Paine, Olga Samani, Mary Kaplan, Eladio Knipping, and Naresh Kumar, *Evaluation of Low Wind Modeling Approaches for Two Tall-Stack Databases*, 65 J. AIR & WASTE MGMT. ASS'N. 1341 (Mar. 2015); BOB PAINE, CHRISTOPHER WARREN, AND OLGA SAMANI, AERMOD LOW WIND SPEED IMPROVEMENTS: STATUS REPORT AND NEW EVALUATIONS, Paper # 935, 2016 (presented at the 109th Annual Conference and Exhibition of the Air & Waste Management Association).

[22] 82 Fed. Reg. 5187.

[23] E-mail from Rick Gillam, Envt'l Engineer/Air Modeler, EPA Region 4, EPA, to State and Local Modelers (Jan. 4, 2017, 10:28 EST) (on file with author).

Since the Final Appendix W Rule's release, EPA has made additional changes to ADJ_U*.[24] Commenters clearly were unable to comment on all changes to ADJ_U* made since its proposal. Furthermore, the proposed version of ADJ_U* appears to have undergone more testing than the version(s) that EPA has subsequently adopted. That testing showed that it performed well. EPA should reconsider adopting the proposed version of ADJ_U* as regulatory-default.

Overloading of Model Clearinghouse

The Final Appendix W Rule finalizes requirements for formal consultation with the Modeling Clearinghouse and documentation of that consultation whenever an alternative model is used.[25] This requirement will encumber applicants seeking PSD permits. Revisions to Appendix W will increase the number of instances in which the Model Clearinghouse would be required to concur.

For example, EPA has ended the designation of CALPUFF as the regulatory default model for long-range transport, but has not replaced it. As a result, written Model Clearinghouse approval will be required each and every time modeling of long-range transport is performed.[26] As we have previously noted, this can be a time-consuming process.[27]

Although EPA says that the average response time by the Model Clearinghouse to requests it received during the pendency of the Appendix W Rule was 28 days,[28] that figure is misleading. It does not take into account the time that precedes a formal request for Model Clearinghouse approval, which can be considerable. Nor is this process even certain. Notably, two projects went all the way through the alternative model process, obtaining approval from EPA Regional Offices and concurrence from the Model Clearinghouse to use ADJ_U* version 15181, only to have EPA recently announce in a "clarification memo" that such modeling results "would be unreliable."[29]

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[24] *Id.*

[25] *Id.* at 5197 (to be codified at 40 C.F.R. Part 51, Appendix W 3.2.1(b)).

[26] However, we recognize that CALPUFF can be used as a screening model without Model Clearinghouse approval. 82 Fed. Reg. 5195 (to be codified at 40 C.F.R. Part 51, Appendix W 4.2.1).

[27] NAAQS IMPLEMENTATION COAL., COMMENTS ON EPA'S "REVISION TO THE GUIDELINE ON AIR QUALITY MODELS: ENHANCEMENTS TO THE AERMOD DISPERSION MODELING SYSTEM AND INCORPORATION OF APPROACHES TO ADDRESS OZONE AND FINE PARTICULATE MATTER: PROPOSED RULE" 8, EPA Docket No. EPA-HQ-OAR-2015-0310-0142, Oct. 27, 2015 (citing EPA, MODEL CLEARINGHOUSE: OPERATIONAL PLAN 20 (revised May 1998)) ("Given that written responses from the Model Clearinghouse could take up to four weeks or longer, we would expect that the concurrence memorandum for alternative models proposed in the Appendix W Revision Proposal will require more documentation and take more time than is presently the case.").

[28] Final Appendix W Rule Response to Comments at 87.

[29] Letter from Richard A. Wayland, Div. Dir., Air Quality Assessment Div., EPA, to Reg'l. Air Div. Dir's. 1-10, Clarification on the AERMOD Modeling System Version for Use in SO_2 Implementation Efforts and Other Regulatory Actions 2-3 (Mar. 8, 2017).

EPA should make the approval process more efficient, rather than add additional red tape to the process. One way to achieve this would be to allow permitting agencies – frequently individual states – to determine which model should be used in instances where EPA has been unable to specify a preferred one. This would promote creative thinking about new modeling approaches and enhance the partnership between states and the federal government in implementing the Act.

NO_2 Tier 2 Ambient Ratio Method

The version of the NO_2 Tier 2 Ambient Ratio Method ("ARM2") adopted in the Final Appendix W Rule was modified from the original tool in a way that makes ARM2 unnecessarily conservative.[30] While even the revised ARM2 tool represents an improved Tier 2 screening method to model NO_2, EPA should approve use of the original ARM2.

Probabilistic Modeling

Because tighter margins between background pollutant concentrations and increasingly-stringent NAAQS make it increasingly difficult to demonstrate compliance using overly-conservative modeling assumptions that are increasingly obsolete, EPA should adopt more probabilistic approaches to modeling. For example, modeling should be allowed to take into account the variability of both background air quality and emission rates for modelled sources. While commenters suggested this approach to EPA during consideration of the Final Appendix W Rule,[31] EPA declined to take such action.[32]

CONCLUSION

Because these objections address matters of central relevance to the Final Appendix W Rule, we request that the Administrator partially reconsider it, and revise it in light of the new information herein as well as that to be included in our supplement to this petition. We appreciate your attention to this matter and hope to foster an effective dialogue with EPA as the regulated community continues to face implementation challenges under increasingly more-stringent NAAQS. To that end, we look forward to working with EPA to identify improvements to the Final Appendix W Rule that accomplish efficient NAAQS implementation.

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[30] *See* 82 Fed. Reg. 5189 (noting that "national default model inputs need to be conservative, in line with the CAA's objective to prevent potential NAAQS violations.").

[31] *See* AM. FOREST & PAPER ASSOC. AND AM. WOOD COUNCIL, COMMENTS ON EPA'S "REVISION TO THE GUIDELINE ON AIR QUALITY MODELS: ENHANCEMENTS TO THE AERMOD DISPERSION MODELING SYSTEM AND INCORPORATION OF APPROACHES TO ADDRESS OZONE AND FINE PARTICULATE MATTER: PROPOSED RULE" 15-18, EPA Docket No. EPA-HQ-OAR-2015-0310-0141, Oct. 27, 2015 (discussing variable emissions).

[32] Final Appendix W Rule Response to Comments at 91.