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**Energy and Environment Cabinet
Department for Environmental Protection**

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Division for Air Quality
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Docket ID # EPA-HQ-OAR-2005-0172
Air and Radiation Docket and Information Center
Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the Commonwealth of Kentucky, the Division for Air Quality (Division) respectfully submits the following comments in response to the January 19, 2010, Federal Register that proposes to revise the national ambient air quality standards (NAAQS) for ozone.

Proposed Decision on the Level of the Primary Standard

The Division recognizes that the proposed 8-hour primary ozone NAAQS within the range of 0.060-0.070 ppm and the proposed secondary standard of 7-15 ppm-hours recommended by the EPA and supported by the Clean Air Scientific Advisory Committee (CASAC) is recommended to provide requisite protections of public health and welfare. However, due to the lack of sufficient analysis to determine background levels for specific areas of the country and transportation of ozone, the division is in support of the upper ranges of 0.070 ppm for the primary standard. In regards to the secondary standard, the division concurs with the EPA that neither the EPA nor States have experience in implementing this type of secondary ozone standard. Therefore, the division requests that the EPA promulgate a secondary standard identical to the primary standard.

Proposed Implementation Schedule

The Division acknowledges the proposal of the EPA to accelerate the implementation of the new standards but has concerns regarding the preparation necessary for the States to fulfill the State Implementation Plan (SIP) deadline. The division recognizes that acceleration of designations for the primary standard would help limit any delays in health protections associated with the reconsideration of the standards, however this schedule designates areas in the middle of an ozone season. With the continuing benefits from existing controls directed to ozone reduction and the downward trend in ground level ozone concentrations, designating areas in the middle of the ozone season could include areas for non-attainment status that at the end of that ozone season would have met the standard. The CAA allows up to two years to designate after promulgation or revision of a standard. Allowing states the full amount of time allowed under the CAA would enable them to utilize the most recent monitoring data and may allow states to minimize the number of areas designated non-attainment. Additionally, the proposed standards are close to the levels indicated in rural, undeveloped areas. Adequate time must be given for the EPA to develop guidance for rural non-attainment areas where there are no sources to implement control measures. For areas that become non-attainment based on the proposed standards, traditional controls are not going to be effective in reduction of ozone. A States' ability to reduce ozone emissions must rely upon the development of national regulations to reduce emissions of mobile sources and interstate transport from stationary sources.

As an example, the division attributes the establishment of national measures for the reduction of the ozone design values of the rural monitor located in Carter County, Kentucky, decreasing from a 1998-2000 design value of 0.089 ppm to a 2007-2009 design value of 0.069 ppm.

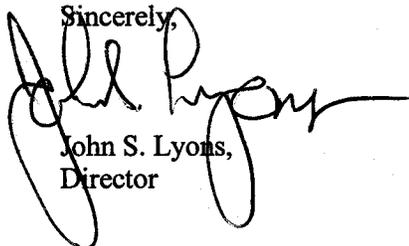
The Division encourages EPA to provide an implementation rule at the same time any NAAQS is proposed. This is particularly crucial with the proposed ozone standard for the reason listed above and for guidance of compliance demonstrations of PSD sources emitting nitrogen oxides. The division is concerned that implementation guidance on the primary and secondary standards would not be provided in time to support an accelerated schedule.

Proposed Revisions to Appendix P to Part 50

As proposed, the ozone design value would be based on the three year average of the 4th highest daily maximum concentration. The design values used to determine the compliance of the primary ozone standard should be consistent with the new standards of the NO₂ and the 24-hour PM_{2.5} standards. Therefore, the Division recommends the EPA use the three year average of the 98th percentile for determining compliance.

Thank you for this opportunity to comment on the proposed regulation. If you have any questions or concerns regarding our comments, please contact me at 502-564-3999.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Lyons", written over the typed name and title.

John S. Lyons,
Director

JSL/als