



September 30, 2020

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U. S. EPA Docket Center (EPA/DC)
U.S. Environmental Protection Agency
Mail Code: 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: DOCKET ID No.EPA-HQ-OAR-2018-0279

Re: Proposed Action to Retain the Current National Ambient Air Quality
Standard for Photochemical Oxidants, Including Ozone (O3).

Dear Administrator Wheeler and Staff:

On behalf of our member communities and their more than 650,000 residential, commercial, and industrial customers, we thank you for this opportunity to provide feedback on the proposal to retain the current National Ambient Air Quality Standard (“NAAQS”) for ozone.

Background on AMP/Ohio Municipal Electric Association (OMEA)

AMP is a non-profit wholesale power supplier and service provider for 135 members, including 134-member municipal electric systems in the states of Ohio, Pennsylvania, Michigan, Virginia, Kentucky, West Virginia, Indiana, and Maryland and the Delaware Municipal Electric Corporation, a joint action agency with nine members headquartered in Smyrna, Delaware. AMP's members collectively serve more than 650,000 residential, commercial, and industrial customers and have a system peak of more than 3,400 megawatts (MW). AMP's core mission is to be public power's leader in wholesale energy supply and value-added member services. AMP offers its members the benefits of scale and expertise in providing and managing energy services.

AMP's diverse energy portfolio makes the organization a progressive leader in the deployment and procurement of renewable and advanced power assets that include a variety of base load, intermediate and distributed peaking generation using hydropower, wind, landfill gas, solar and fossil fuels, as well as a robust energy efficiency program. AMP has actively worked over the past decade to diversify our power supply portfolio, to the point that our owned and managed assets, and contracted power were approximately 19% renewable in 2019. Our fossil fuel assets currently include a 368 MW ownership share of the 1,600 MW coal-fired Prairie State Generating Co. located in Lively Grove, Illinois, the 707 MW (fired) natural gas combined

cycle AMP Fremont Energy Center in Fremont, Ohio and a number of diesel and natural gas peaking generation assets. Most of AMP's members are in the PJM Interconnection, LLC regional transmission organization footprint, while some members are located within the Midcontinent Independent System Operator, Inc. footprint. The OMEA represents the Ohio and federal legislative interests of AMP and member Ohio municipal electric systems. Subsequent "AMP" references herein also represent the interests and comments of OMEA.

In recognition of our unique position as both a wholesale power supplier and services provider, as well as the owner and operator of electric generating assets, AMP offers the following comments in support of the proposed rule.

AMP Supports the Proposed Action to Maintain the Existing Ozone Standards

After review of the, *Integrated Science Assessment for Ozone and related Photochemical Oxidants*¹, the analysis presented in the *Policy Assessment for the Review of the Ozone National Air Quality Standards* (PA)², consultation with the Clean Air Scientific Advisory Committee as well as public input, the Environmental Protection Agency ("EPA"), has concluded that there is not sufficient scientific evidence to support the revision of the existing ozone standards. This decision to maintain the primary and secondary standards was a result of EPA's thorough and in-depth evaluation of the current and relevant scientific information available. AMP is supportive of EPA's decision because the existing standards continue to be protective of human health and the environment while also providing regulatory certainty for our members.

The Clean Air Act ("CAA") mandates that EPA review each of the NAAQS, as well as the air quality criteria supporting them, at least every five years. The current primary and secondary standards of 70 parts per billion were the result of the review completed in October 2015 and have been in effect since December 28, 2015. To comply with the CAA, the current review must be completed by the end of 2020.

As is widely recognized, and as AMP mentioned in comments supporting the retention of the PM NAAQS, EPA has routinely failed to meet the CAA's statutory five-year deadline for review of the NAAQS. This is largely due to the complex review process utilized by EPA in the past. The failure to review NAAQS in a timely manner has the potential to affect public health, as well as hamper the planning of economic activities. Significant air permitting decisions and compliance approaches depend on a clear understanding of the attainment status of a given area. While some may view the five-year review process as one that should mandate a continued increase in the stringency of the NAAQS, unless there is substantial and persuasive scientific data supporting the inadequacy of the current standard, AMP disagrees with this sentiment.

¹ <https://www.epa.gov/isa/integrated-science-assessment-isa-ozone-and-related-photochemical-oxidants>
EPA/600/R-20/012, April 2020.

² https://www.epa.gov/sites/production/files/2020-05/documents/o3-final_pa-05-29-20compressed.pdf. EPA-452-/R-20-001, May 2020.

AMP supports the procedural reforms implemented as part of the review process for this proposed ozone standard. In a 2018 memorandum, the EPA Administrator outlined a plan to streamline the NAAQS review process, with the goal of increasing timeliness and efficiency while remaining protective of human health and the environment.³ EPA is implementing many of those reforms in the current review by conducting more robust information gathering during early stages of the review, focusing on the most recent and most policy-relevant science, combining risk and policy documents, and avoiding "multiple draft reviews whenever possible." AMP commends EPA's commitment to complete the ozone NAAQS standard review by the end of 2020, consistent with the mandate of the CAA. Doing so acknowledges both the importance of complying with the CAA review process established by Congress as well as validating the robust health and scientific data supporting the decision.

A recent report by EPA shows that 8-hour average ozone levels in ambient air in the United States have fallen 25 percent since 1990.⁴ This air quality improvement has resulted in large part from reductions in emissions of nitrogen oxides and volatile organic compounds, the primary precursors for ozone.

According to the EPA report, combined emissions from the six common pollutants dropped by 77 percent. This includes sulfur dioxide, oxides of nitrogen, ozone, carbon monoxide, volatile organic compounds, and particle pollution (PM2.5 and PM10). During this same period, U.S. gross domestic product increased 285 percent, vehicle miles traveled increased 195 percent, and energy consumption increased 49 percent.⁵ Under the existing ozone NAAQS, regulated industries, as well as the public and state and federal entities, have taken actions to reduce ozone levels and maintained the downward trend.

When the ozone NAAQS is reduced, state programs must react to establish new standards for non-attainment areas necessary to bring areas into compliance with the new NAAQS ozone standard. The last time the ozone NAAQS was reduced was in December of 2015, and states have not had time to fully develop and implement state implementation plans in response, or if so, to see the full impact of those programs.

Based on the significant body of evidence concerning the health effects and potential public exposure of ozone in ambient air, and also taking into consideration the uncertainties and limitations of such evidence, that the current primary standard provides the requisite protection of public health, including an ample margin of safety, EPA has determined the primary standard should be retained. Absent significant information to the contrary, which AMP believes would have been available to the agency given the vast amount of information and data reviewed, we concur with the retention of the existing primary ozone standard.

³ Memorandum: Back-to-Basics Process for Reviewing National Ambient Air Quality Standards, USEPA (May 9, 2018).

⁴ <https://gispub.epa.gov/air/trendsreport/2020/#home>

⁵ *Id.*

We are encouraged by EPA's efforts to streamline the NAAQS review process in a manner that takes into consideration the full health and scientific information available to it but in a manner that better comports with the CAA. We ask that EPA continue to implement additional process changes that ensure greater efficiency and predictability for our members, while continuing to protect human health and the environment. Thank you for this opportunity to provide input to the agency on the proposed action.

Respectfully Submitted

Handwritten signature of Adam Ward in black ink.

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Respectfully Submitted

Handwritten signature of Michael Beirne in black ink.

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