



February 9, 2011

Mr. Edward Hanlon, Designated Federal Officer  
US EPA Science Advisory Board  
Ronald Regan Building  
1300 Pennsylvania Avenue, NW  
Suite 31150  
Washington, DC 20004

**Re: Science Advisory Board Staff Office; Notification of a Public Meeting of the Science Advisory Board Clean Air Scientific Advisory Committee, Air Monitoring and Methods Subcommittee**

Dear Mr. Hanlon:

On behalf of the 265 corporate members of the Wisconsin Transportation Builders Association (WTBA), I respectfully submit the following comments for consideration during the public meeting of the Environmental Protection Agency's (EPA's) Science Advisory Board Clean Air Scientific Advisory Committee's (CASAC's) Air Monitoring and Methods Subcommittee (AMMS) noticed in the January 25 issue of the *Federal Register*.

WTBA member companies design, build, rehabilitate and reconstruct all modes of transportation in Wisconsin and neighboring states, including airports, roads and bridges, railroads, and bicycle and pedestrian infrastructure. WTBA members are consistently awarded over 90% of state highway contracts.

On behalf of its members, WTBA closely tracks all EPA proposals to tighten criteria pollutant standards contained in the Clean Air Act Amendments of 1991, and the resulting impacts on mobile emissions budgets and conformity. Our goal is to assure that the health standards adopted can be met within the deadlines set, without compromising or unreasonably constraining mobility.

WTBA has consistently supported tightening standards for fuels and engines as the obvious pathway to reduced emissions and improved air quality. The record speaks for itself. Despite large increases in travel (VMT), air quality has consistently improved. In Wisconsin, for example, in the original Southeastern Wisconsin severe-17 non-attainment area, total annual mobile sector VOC's are already over 90% lower than they were in 1990. The reduction in emissions of NOx have lagged to some degree, but are now projected to be more than 90% below 1990 levels within this decade.

No one thought this would occur in 1991. In fact, conventional wisdom then believed that the only solution was to use conformity to force personal and business travel out of their cars and trucks on a massive scale. That has not occurred. Fortunately, it is not required.

To its credit, EPA in fact embarked on a progressive series of regulations designed to squeeze emissions from motor fuels and to require diesel engine manufacturers to develop in steps what can only be described as squeaky clean diesel engines. And the technology envelope can go further yet.

The primary purpose of our submittal is to raise concerns with proposals to place monitors along urban freeways.

Our first recommendation for EPA in developing regulation is to regularly consider projected emissions under “in place” federal and state statutes and rules, in comparison to already monitored levels. Therefore, it is critical to project through modeling what is going to happen with urban NO<sub>x</sub> levels near freeways during the coming decade.

TIER IV is now an accomplished fact. In the next few years, it will be extended to smaller diesel engines and off-road equipment. The bulk of freeway NO<sub>x</sub> is produced by large trucks, primarily 18 wheelers. It is illegal to manufacture for sale today a large over-the-road truck that does not use a TIER IV diesel engine. Given average turnover for this fleet, it is obvious that by the end of this decade, the major source of NO<sub>x</sub> on our urban freeways will run virtually NO<sub>x</sub>-free.

Given that there is no practical alternative to this level of NO<sub>x</sub> impact, the obvious question is what would EPA do if a freeway monitor showed exceedences in the coming years, while knowing that such exceedences will likely completely disappear in a very few years without additional regulations.

We have not even considered the impact of unknown but predictable reductions in auto and light truck NO<sub>x</sub> from some proportion of improved fuel efficiency, hybrids, and electric engines for autos and light trucks. Nor have we discussed the predictable impacts of biodiesel, improved fuel economy, and hybrid diesel engines for trucking; or, the DERA program.

The solution to freeway NO<sub>x</sub> is as clear as a light at the end of the tunnel. So, why go down the freeway monitoring road at all. Any new regulatory program is unlikely to be in place to impact the timing of NO<sub>x</sub> reductions before they actually occur.

Therefore, we are requesting that EPA consider carefully the Executive Order signed by President Obama on January 18, requiring all regulations not only protect public welfare and the environment, but also promote economic growth and job creation. We endorse this balancing test and believe that erecting yet more monitors is neither innovative or burden free, especially if the readings result in yet another layer of regulation that will accomplish little if anything.

The second purpose of this submittal is to raise concerns about defining non-compliance by specific emitter rather than by geographic area, which is defined as a county or grouping of counties. Non-attainment is by definition as average of monitors, located as if every source had its own monitor. Regulations are not targeted to a site per se, but to all sites that meet the regulatory requirement. Erecting monitors along freeways would be similar to erecting monitors at every dry cleaning outlet, or a statistical representation. Instead, monitors measure emissions from all sources, both originated or transported. The idea is to mimic what residents of the entire area, on average, actually breathe on a given day. The only way to reach and maintain attainment is to assure that all sectors do their fair share in reducing emissions.

In conclusion, we are requesting CASAC to reject the proposal to monitor urban freeways as it considers a new nitrogen dioxide standard. For your information, I am not requesting to appear at the CASAC meeting. Thank you very much for the opportunity to comment.

Sincerely,

Patrick O. Goss  
Executive Director  
Wisconsin Transportation Builders Association