

Comments on CASAC's Report on EPA's Review Plan for the Secondary NO_x/SO_x NAAQS

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CASAC Has Correctly Identified Weaknesses in EPA's Plan

- The Plan lacks specificity
- It lacks context in relation to 2008 Review
- It lacks an in-depth consideration of the uncertainties that were identified in 2008 review and still exist

We support CASAC's concerns in these areas
and urge EPA to address them

Other Concerns on Form, Implementation, and Other N Species

- A number of individual CASAC comments raised questions on the appropriateness of using a secondary NO_x NAAQS to regulate against the adverse effects of total N deposition (Galloway, Schwartz, Burns, Chestnut)
- Both EPA and Congress have historically decided that secondary NAAQS are **not** an appropriate approach to regulate regionally variable welfare effects

Congress Created Title IV to Address Deposition

- In the 1993 SO₂ review, EPA said: Congress does not seem to have expected that the EPA would set a secondary standard for acid deposition as Congress required a feasibility study to be completed by Nov 1993
- Study was suppose to included: nature and value of deposition standard(s), and measures to integrate standard(s) with Title IV program
- 1993 Study:
 - Recommended delaying deposition standard because of uncertainty in rate of N effects
 - Concluded uniform national deposition standard would not be appropriate

1996 NO₂ Final Rule

- Agency will continue to assess feasibility of developing regionally-targeted tools and policy initiatives for acid deposition (Adirondacks) and eutrophication (Chesapeake Bay)
- Regional control strategies which consider all contributors to eutrophication are more likely to be effective
- Adoption of nationally-uniform secondary NAAQS would not be effective approach

2004 NRC Panel Recommendations

- Concentration based [air] standards are inappropriate for some resources at risk such as soils, groundwater, surface waters etc. from air pollutants, such as S and N.
- For such resources, deposition standards would be more appropriate
- Consideration should be given to regionally distinct standards

Conclusion

- Congress intended Title IV of the CAA to address deposition issues
- Addressing regionally varying effects with a single deposition standard under the auspices of a secondary NAAQS is “forcing the proverbial square peg in a round hole”

Other Issues

- Based on the declining trends in emissions and concentrations of SO_x and NO_x for the foreseeable future because of on-the-books regulations, is any further action still needed at this time?
- What ever happened to the EPA pilot field program proposed in the 2012 Final Rule that was supposed to reduce uncertainties?