



The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Docket No. OAR-2008-0699

Dear Administrator McCarthy,

Please find attached comments filed on behalf of the West Virginia Chamber of Commerce in response to the November 26, 2014, U.S. Environmental Protection Agency (EPA) proposal to revise the 2008 primary National Ambient Air Quality Standard for ozone from its current level of 75 parts per billion (ppb). (79 Fed. Reg. 79234, December 17, 2014).

The Chamber is West Virginia's largest, most visible advocacy organization promoting and working for more employment and constantly seeking to improve our way of life for West Virginia families. Our organization speaks for West Virginia employers. We represent the companies that employ over half of West Virginia's workers. The West Virginia Chamber works to promote key business policies that support job retention and creation while promoting sound environmental policies, benefiting the quality of life and economic vitality of West Virginia. As the voice of the business community, the Chamber advocates for the development and implementation of policies and laws that promote business enterprise. As such, the Chamber has actively commented upon and engaged in appellate review of many of EPA's Clean Act proposals and final rules, particularly those that impact West Virginia business.

West Virginia Governor Earl Ray Tomblin submitted a letter to you on February 19, 2015 describing the proposed rule as impractical and unattainable. Governor Tomblin comments that forty-five percent of the necessary controls to achieve this standard are classified as "unknown" making the potential negative impact on the state's economy. Citing to unjustified additional hardship for already struggling West Virginia families, the Governor urges you to maintain the current ozone standard of 75 ppb.

The Chamber joins Governor Tomblin in expressing concern over this ozone proposal. We have reviewed the proposed ozone standard revision and conclude that EPA has not justified scientifically the proposal to lower the ozone NAAQS level. The proposal as presented will result in significant impact on the state and its economy, providing only modest justification for the assertion that our air quality is not protective of human health and the environment.

The proposal fails to provide sufficient new information justifying a change of the standard for health and welfare effects for at least the following reasons:

1. EPA's technical discussion of emission inventories is not comprehensive. Any proposal of this magnitude must be based on the most current and correct information. Data for mobile sources and data for international transport emissions is not current in the supporting record.
2. EPA has improperly included reductions predicted from the proposed Clean Power Plan as a means of reducing the regulatory impact of a change in the ozone NAAQS. This plan is not final and is arguably not supported by the Clean Air Act. Inclusion of this emissions reductions is not appropriate.
3. EPA made "no growth" assumptions on large, geographically important categories despite projected economic growth. To manage the new standard, growth must be part of the assessment of the ability to design a compliance program for it.
4. EPA's air quality modeling and its assumptions appear fail to properly characterize the true impact this proposal will have on their livelihood, lifestyles, and general well-being of much of the nation. The Chamber urges EPA to review the technical comments of the Midwest Ozone Group that identify the following flaws:
 - EPA assumes first ton reduced gives the same ozone change as last ton reduced, failing to account for the non-linearity of emission reductions and associated ozone concentration changes.
 - EPA's across-the-board sensitivity results and associated ozone reduction factors do not account for the fact that elevated source reductions do not have same ozone concentration potential as non-elevated sources.
 - EPA developed ozone reduction factors from its across-the-board sensitivity runs failing to account for the differences that low level and elevated source emission reductions have on downwind ozone concentrations.
 - EPA failed to model the final, most stringent control scenario for each NAAQS level to confirm assumptions of change in ozone.
 - EPA's "known" control scenarios for proposed alternate NAAQS attainment contain many instances of control technologies that do not appear valid for the source category to which it is applied.
 - EPA makes the assumption that the application of "unknown" controls within a sub-region will have an identical ozone concentration impact on all monitors within that sub-region.

- EPA fails to take into account transport of ozone across regional boundaries within the United States.
- EPA uses the 2007 modeling to develop case for background ozone concentrations and international transport assumptions.
- EPA fails to include future year transport of international emissions and uses 2011 boundary condition files to estimate the international component of emissions transport.

Thank you for the opportunity to comment on this letter and we hope the U.S. EPA will be mindful of our concerns.

Sincerely,

A handwritten signature in cursive script that reads "Stephen G. Roberts".

Stephen G. Roberts
West Virginia Chamber of Commerce