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August 26, 2024

Administrator Michael S. Regan
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: Proposed Consent Decree, Clean Air Act Citizen Suit; Docket No.
EPA-HQ-OGC-2024-0300.

Dear Administrator Regan,

On July 26, 2024, USEPA published a “Notice of proposed consent decree; request for public comment” (89 Fed. Reg. 60,629) related to a proposed consent decree in *State of New York et al. v. Regan*, Case No. 1:23-cv-2767 pending in the United States District Court for the District of Columbia which would establish deadlines for EPA to review, or not, the New Source Performance Standards (“NSPS”) for New Residential Wood Heaters (“NSPS subpart AAA”) and New Residential Hydronic Heaters and Forced-Air Furnaces (“NSPS subpart QQQQ”). These comments will focus on the application of the proposed consent decree to residential wood heaters.

The following comments are offered on behalf of the Midwest Ozone Group (“MOG”). MOG is an affiliation of companies and associations¹ that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs that may impact on their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science. MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules (including National Ambient Air Quality Standards (“NAAQS”) standards, nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act (“CAA”), NAAQS implementation guidance, the development of Good Neighbor State Implementation Plans (“SIPs”) and related Federal

¹ The membership of the Midwest Ozone Group includes: Alcoa, Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Buckeye Power, Inc., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland Cliffs, Council of Industrial Boiler Owners, Duke Energy Corp., East Kentucky Power Cooperative, ExxonMobil, FirstEnergy Corp., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, Indiana Utility Group, Hoosier Energy REC, inc., LGE/ KU, Marathon Petroleum Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

Implementation Plans (“FIPs”), and related regional haze and climate change issues. The MOG membership owns and operates numerous stationary sources that are affected by air quality requirements including the implementation of NAAQS requirements.

Significantly, the subject proposed consent decree addresses residential wood heaters, which are a significant source of emissions impacting on ambient PM_{2.5} design values affecting both nonattainment and attainment areas. This concern has been made all the more significant with EPA lowering of the National Ambient Air Quality Standard (NAAQS) for PM_{2.5} to 9 ug/m³ on an annual basis.

As EPA noted in the Regulatory Impact Statement (“RIA”) in support of the final rule changing the PM_{2.5}NAAQS to 9 ug/m³, emissions from residential wood combustion have been found to be among the greatest contributors to PM_{2.5} ambient air quality concentrations. RIA, p. 185. Indeed, the RIA makes specific reference to the NSPS for residential wood combustion. RIA, p. 7.

In an effort to confirm the significance of the impact of residential wood combustion emissions on PM_{2.5} air quality, MOG engaged Alpine Geophysics to conduct air quality modeling to examine on all 834 air quality monitors in the 12 km modeling domain.

As is set forth in the technical support document of Alpine Geophysics (Alpine) related to this modeling,² Alpine adapted an EPA developed nationwide one-atmosphere photochemical grid modeling database to assess the impact of PM precursor emissions from identified source regions and categories on downwind monitor locations. This project employed the latest modeling technology, consistent with EPA’s source apportionment and design value analysis tools. Source impacts from a set of source region and group combinations and report relative PM_{2.5} impact were estimated from each of these combinations.

Alpine performed two different sets of particulate source apportionment (PSAT) modeling. One set (*source-region*) was designed to examine the impact of nearby regions on urban core non-attainment monitors in seven (7) urban regions. The other set (*source-sector*) was to examine the relative importance of emission sources for thirty-nine (39) source groupings including residential wood combustion across the continental United States, lower 48 state modeling region. Both simulations tracked sulfate, nitrate, and direct PM sources aimed at addressing precursor impacts on PM_{2.5}.

2 Particulate Source Apportionment Technology. Analysis of PM_{2.5} for Multiple Domains and Categories, July 2024, prepared by Alpine Geophysics, which is being submitted to the docket as an attachment to these comments and is identified as Attachment I and can also be found here:

(https://www.midwestozonegroup.com/files/ugd/7ec07f_744eb1e14e444b2b93dff141fadee7b8.pdf). Exhibit B to the Alpine Report can be found here:

(https://www.midwestozonegroup.com/files/ugd/7ec07f_afc72b4f82814a6092803f3ba4138a09.xlsx?dn=Appendix%20B%20%20Particulate%20Source%20Apportionment%20Technology%20Analysis%20of%20PM2.5%20for%20Multiple%20Dom).

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Of the total 834 monitors in the 12km modeling domain, the residential wood combustion category was identified in the top 10 of sources affecting 818 monitors.

For the 306 monitors that were modeled to exceed the 9.0 $\mu\text{g}/\text{m}^3$ NAAQS, the residential wood combustion category was identified in the top 10 of sources affecting 303 monitors.

Accordingly, the Midwest Ozone Group supports the proposed consent decree as an important step in addressing one of the most significant sources of emissions impacting on $\text{PM}_{2.5}$ air quality and on the regulatory programs affected by both attainment and nonattainment with the new $\text{PM}_{2.5}$ NAAQS.

Very truly yours,

/s/ David M. Flannery

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