

Written comments to be included with John Chandlers testimony for the American Lung Association at the July 30,2018 hearing on DEP's petition to opt out of the OTR. Length and lack of being able to use slide to better explain the concerns did not allow enough time to include everything in the oral presentation of these comments.

Maine DEP's opt out petition is based on Maine attaining the 2015 ozone standard which it currently is not. Even though EPA declined to designate Maine as non-attainment, the values measured in 2017 were above the federal health standard. EPA did not include the 2017 data because it had not been completely reviewed before the EPA had to make the designations in October, 2017. EPA final review of the monitoring data for 2017 verifies the concentrations were correct and the health standards were not met and leaves Maine as not attaining the standard required for health protection. Two of the years EPA used in their determination are the lowest and only years in Maine's 38 year history of ozone monitoring that give values state wide below the new standard, after which 2017 monitoring goes back to showing the standard is not being met. The standard went into effect in 2015 and had the first three years of the standard being in place, [2015, 2016, and 2017] been used in the three year average required to determine attainment, Maine would have been considered as not attaining the standard. [see fig B-4 DEP Petition] This gives rise to EPA having made their determination on anomalies and the realization we are not attaining standards and still need the assurance of controls required by being in the OTR in all areas of Maine. This does nothing to protect Maine's citizenry from the unhealthy air and relies strongly on Maine maintaining good legal controls going forward if we are to meet the federal health standard.

Even though Maine was not designated non-attainment, it does not mean, or in any way assure, that the standards will not continue to be violated. As of 2017 Maine is not attaining air quality that meets the federal health standard and the OTR requires that any state that wants to OPT out must show it has less than significantly impacts on those areas where standards are not being attained and that includes Maine. All the modeling demonstration in this petition is focused at showing Maine has less than a 1% impact on other states but does not address Maine's impact on itself in the areas that will remain in the OTR where attainment of the new standards is not being met; namely the Acadia region. The requirements to opt most of Maine out of the OTR are not the same requirements for a waiver. A waiver expressly refers to impacts on other states. Opting out by a state or any part of a state comes under the requirements of less than 1% impact for the entire region. Since Maine is part of that region, the less than 1% also applies to Maine itself. There is no acceptable modeling in the petition to show Maine's impact on the Acadia region.

Maine DEP is leaning heavily on the biogenic VOC emissions from trees as dwarfing the anthropogenic VOC emissions and therefore the anthropogenic emissions are inconsequential

in ozone contribution. This harkens back to another era where trees were made out as the villains causing the ozone violations and dismissing the need to reduce controllable anthropogenic VOCs; a pseudoscience that has long been abandoned. Anthropogenic VOC controls in the OTR are a primary reason ozone concentrations have been reduced; continuing and future VOC contributions and aggressive control need to be part of the program. Unless there is OTR and EPA guidance that allows anthropogenic VOCs to not be scrutinized for ozone impact and control, review should be included for Maine's impact both out of state and in-state. Areas within the OTR need to be assured of minimal anthropogenic ozone precursor emissions where controls are an integral part of both attaining standards and continuing to meet and maintain standards. EPA should dismiss the petition's contention of Maine's anthropogenic VOC emissions being inconsequential compared to forest biogenic VOCs and therefore need not be receiving aggressive OTR review and control and therefore can be dismissed as inconsequential. This is important before any precedent is set for future dismissing anthropogenic emissions contributions and controls both in Maine and in upwind states that impact Maine.

The petition also shows a graph depicting the typical air flow during high ozone concentrations with flows generally west to east and going inland. Review of the petition and many past trajectory reviews often show something altogether different for the plumes that hit Acadia and other coastal sites where many of the plumes come across Maine along several miles inland from the coast and head further along the coast. The timing of the high values do not necessarily reach Acadia only late at night and many of them show above 70ppb values at Acadia starting in mid to late afternoon, certainly within the travel time of southern Maine emissions to be transported and subject to ozone creation from sunlight before entering the Acadia region. Modeling similar to that performed to show Maine's impacts on the other states and meets EPA's current criteria for such demonstrations need to be run to demonstrate the less than 1% ozone impact Maine has on the Acadia region.

LAER and offset provisions as required in the OTR are designed to provide a definite and distinct procedure to assure emissions are not increased and minimized to the best extent possible and have EPA overview. In areas of Maine proposed for opted out, only state requirements will be in place; control review before the permit is issued does not guarantee similar reductions and control that would meet OTR and EPA requirements. The petition contends that current Maine control requirements are equivalent to LAER and there would be little difference in controls for new and modified sources based on the opt-out and no degradation to air quality. However, the petition sites the reason for a pellet plant not going in was because LAER was too stringent, but with the opt-out, it would have been able to go

forward, presumable with different control. DEP's history shows a pellet plant licensed under DEP rules had very serious problems with citizenry in the town being inundated with an acrid blue haze from the drying process. Review of the controls required at licensing showed the controls were cyclones that did little to control VOCs but met the provisions of DEP's written control requirements. A review of a Portland Pipeline license issued under DEP's current regulations listed controls for a combustion process that limited opacity to a 20 percent standard that was part of DEP's initial minimal requirements established forty years earlier in the original State standards requirement. Although decisions for control did meet DEP's regulations, both instances reflect controls that are nowhere near what an LAER true determination would require. Many of the presenters at the hearing referred to wanting to use less than LAER control and instead rely on other controls DEP would be willing to accept. Some cited examples of removing the CTG requirements that impact VOC more broadly than LAER and would increase VOC emissions more broadly from new and existing sources, not all are necessarily licensed sources but are located throughout the area upwind of Acadia. There is no doubt that DEP today would like to have good controls going forward, however, politics, both small and large P can often become a driving force to accepting controls for new sources that would otherwise not be acceptable in the OTR as LAER. This is particularly of concern when VOCs are considered inconsequential in the formation of ozone and this opinion will bias the importance of control review. The only way to insure that LAER and equivalent control is used in the future is in a more formal manner that being part of the OTR provides and where oversight by an outside entity is part of the process.

The provisions for future control need to be better defined and rules in place before opt out is finalized to insure there are real control requirements in place before the protection of OTR controls are abandoned. Once opt out takes place, there is no certainty the controls mentioned in the petition will take place, despite the good intentions of the current DEP staff. There is nothing legally binding to prevent a future administration, or staff, from disregarding all that is promised in this petition. Politics happen.

Even with LAER, If offsets are not required, there will be an increase in emissions that will degrade air quality. VOCs cannot be passed off as inconsequential, both for ozone and air toxics.

This petition also does not mention the benefits to reduced air toxics when OTR VOC controls are required, an important aspect for air quality in the Portland area where health guidelines for some of the Hazardous Air Pollutants [HAPS] are currently not being met and citizens are suffering the consequences. Abandonment of OTR requirements will broadly increase HAPS emissions and often in urban areas with many of the emissions at ground level where population exposure is greatest.

Very importantly, from a state health perspective, the air quality in the southern area and along the entire coast is contributing to health problems to thousands of Maine citizens with ozone concentrations measured even only slightly below federal standards. [50ppb] Trajectory analysis shows that Maine contributions during those periods can also be a part of the problem, not just from upwind states. Maine is far more susceptible to the health problems associated with ozone at these lower levels than the rest of the country and has the highest incidences of asthma. One very important ozone monitor located at Small Point to the west of the mouth of the Kennebec River and midway between Cape Elizabeth and Port Clyde is no longer in operation. That location consistently gave ozone concentrations greater than Kennebunkport and considerably lower than Cape Elizabeth and provided data that shows high concentrations continue up the coast that can be even greater than those in the ten towns selected to stay in the OTR. Violations may have already taken place at that location under the new standard but there is no way to verify if they did or did not unless DEP replaces that monitor. Recognizing the hopscotch ways ozone concentrations hit and miss the coastline, depending on location, and that the coast represents the highest populations in Maine, upwind areas in Maine still need OTR controls. Currently raw data appears to be showing 2018 ozone concentrations at Kennebunkport at 69.8ppb for the fourth high; Small Point would be expected to be higher.

DEP needs to place more monitors along the coast before there can be certainty the standard is not being violated and before any of the coastal area can be removed from the OTR. There should not be a health risk imposed on Maine citizens until there is better proof that standards in those locations are met and air quality will not continue to be bouncing in and out of compliance, and that the entire coastline is really in compliance with the new federal health standard. Elevated ozone concentrations, even below standards, will cause health problems, especially in Maine that has the highest incidences of asthma in the country. Control of ozone precursors needs to address that concern, and staying on the cusp of compliance does not provide adequate protection for Maine citizenry.

Removal of an area from the OTR is risky because once removed there is very little chance of that area being reinstated in the OTR regardless of how high the future concentrations are found to be. OTR controls that were vital to bringing concentration down to current levels are in jeopardy, especially if other states want to follow Maine's lead and opt out areas in their state that have significant impacts on those parts of Maine that already show exceedances and where future violations are a high risk. This especially is a concern along the entire coast. Review of EPA's decision to recently not add areas to the south and west of the OTR Region despite their high impacts on other states is a good example of the unlikelihood of readmission. Unraveling of the OTR is a real concern where other states can cite Maine's unwillingness to

control even those emissions that cause health impacts on Maine's areas that are not meeting the new health standard and are in danger of going over. Why should those states control to defend Maine's air quality and why should they not also opt out their areas where the only significant impact is into Maine that is claiming it has clean air?

In summary, it is clear that based on 2017 monitoring Maine's air is above the federal health standards for ozone. This petition to opt out is based on the supposition standards will eventually be met even though they currently are not. Maine is a part of the OTR and there is no demonstration that Maine's impact is less than significant [less than one percent] on the Acadia region where health standards are not being attained and Acadia is proposed to remain in the OTR. This petition is premature and incomplete and should be rejected and not accepted until conclusive air monitoring and proper modeling can be provided and with proper public participation to review those findings.

Thank you for your attention.

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