

Testimony
Subcommittee on Energy and Power
House Committee on Energy and Commerce
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by
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Mr. Chairman, members of the Committee. My name is Misael Cabrera. I am the Director of the Arizona Department of Environmental Quality and I greatly appreciate the opportunity to offer testimony today.

As the lead state challenging the 2015 ozone standard in the courts, Arizona does not support 70 parts per billion (ppb) as the appropriate ozone standard. We believe that the new standard is simply not achievable in many areas of our State. Although the Clean Air Act has five mechanisms to bring nonattainment areas in to compliance, these mechanisms are inadequate for Arizona and likely other Western states. These mechanisms include: improving air quality through State regulation until the new standard is attained; designating rural transport areas; designating interstate or international transport areas; and demonstrating exceptional events. I will discuss each mechanism and its shortcomings in the context of a small county in rural Arizona.

Yuma County is located in the southwest corner of Arizona, bordered by both California and Mexico. The county contains a few small towns and the City of Yuma, which has an estimated population of about 100,000 and an unemployment rate of almost 20%. Yuma is predominantly an agricultural community, and despite its lack of urbanization, Yuma County is projected to be designated as nonattainment for the 2015 ozone standard.

As you may know, volatile organic compounds (VOCs) and oxides of Nitrogen (NO_x) in the presence of sunlight react photo-chemically to produce ozone. According to EPA's 2011 National Emissions

Inventory, industrial sources account for only 0.2% of total VOC emissions, and 5.3% of NOx emissions within the County. All other sources are either naturally occurring, or not regulated by the State. No matter how many local emissions reductions are achieved, Yuma County simply will not be able to achieve compliance with the new standard.

In addition, Yuma County would not qualify for the rural transport mechanism because the Clean Air Act states that a rural area seeking relief cannot be adjacent to or include any part of a Metropolitan Statistical Area (MSA), defined by the U.S. Census as an entire county comprising of 50,000 people or more.

The Cross-State Air Pollution Rule often mentioned as a relief mechanism is yet another option that does not apply to Yuma County. Although 20% of ozone concentrations in Yuma County emanate from California manmade sources, the rule only helps downwind nonattainment areas receive emissions reductions from upwind *attainment* areas. This approach will not work for Yuma County because California has already implemented the most stringent controls in the Country, is still unable to achieve compliance with the standard, and has no emissions reductions to contribute downwind (see Attachment A).

Further, the exceptional events rule is of dubious value to Yuma County, if not the whole country. Although Arizona has been a national leader in the development of exceptional event documentation for dust events, the process for documenting and receiving EPA approval of ozone exceptional events has not been explained, will be almost certainly resource intensive, and is difficult to predict.

The best case scenario for Yuma is that our agency can make an international transport demonstration given that EPA's own modeling shows that international sources¹ are responsible for 68% of ozone emissions affecting Yuma on modeled exceedance days (Attachment B – EPA Ozone Map & Data).

¹ Includes natural and manmade sources outside of the modeling domain.

Unfortunately, that demonstration is only valid after the three year marginal attainment deadline is exceeded and Yuma would still have to comply with higher nonattainment classification requirements – requirements that would limit economic growth in a high unemployment area in perpetuity as a consequence of emission sources that originate primarily outside of Arizona or outside of Arizona’s jurisdiction and control.

Yuma County is but one of many such counties in Arizona and the West. For all these reasons, Arizona is challenging the new ozone standard. We also request that consideration be given to interstate and international transport demonstrations before areas are classified as nonattainment.

Thank you and I am happy to answer any questions.