

June 30, 2016

Docket No. EPA-HQ-OAR-2015-0480
Submitted via www.regulations.gov
U.S. Environmental Protection Agency
EPA Docket Center (ORD Docket)
Mail Code 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria

On behalf of the more than 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the U.S. Environmental Protection Agency's (EPA) "Revision to the Near-Road NO₂ Minimum Monitoring Requirements."

ARTBA's membership includes private and public sector members that are integral to the planning, designing, construction and maintenance of the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities that could be directly impacted by any change in EPA's methods for monitoring nitrogen dioxide (NO₂). ARTBA's public sector members adopt, approve or fund transportation plans, programs or projects under Title 23 U.S.C. and Title 49 U.S.C., while ARTBA's private sector members plan, design, construct and provide supplies for these federal transportation improvement projects. This document represents the collective views of our member companies and organizations.

EPA monitors NO₂ in order to determine whether an area is in compliance with the National Ambient Air Quality Standards (NAAQS) required by the federal Clean Air Act (CAA). Under the CAA, EPA must review NAAQS for six different pollutants every five years. NAAQS compliance is a particularly important issue for the transportation construction sector as counties which do not meet CAA standards can have federal highway funds withheld. These funds are important to areas aiming to improve air quality through transportation improvements which ease congestion. Thus, it is extremely important that the data used in determining compliance with the NAAQS be as accurate as possible.

On the specific matter of NO₂ near-road monitors, ARTBA's primary concern involves the placement of air quality monitors near "major roads in larger urban areas." The monitors, which determine NO₂ compliance for counties, must be placed in areas where they can get a reading indicative of NO₂ levels for the area as a whole. Emissions are naturally going to be higher in some areas of a county and lower in others. For example, a monitor placed by the side of a well-travelled highway is most likely going to get a higher reading for NO₂ emissions than one placed

by a little used residential street. As such, ARTBA has consistently urged EPA to balance air quality monitor placement between high and low travelled areas. This is the only way to prevent a naturally high NO₂ area from biasing the assessment for the entire county.

EPA is proposing to remove existing requirements for the placement of NO₂ monitors in the less populated areas (between 500,000 and 1,000,000 people). At first glance, this seems to run counter to ARTBA's concern, as the remaining monitors will be in more populated areas. However, the EPA proposal notes all of the readings collected from monitors in areas with more than 1,000,000 people are "well below the annual and 1-hour daily maximum NAAQS levels" for NO₂. This is consistent with EPA's overall data which indicates "[n]ationally, average NO₂ concentrations have decreased substantially over the years." Specifically, according to EPA, overall NO₂ levels have declined by 57 percent from 1980 to 2014.¹

EPA's data and justification for not using NO₂ monitors in less populated areas seems to indicate air quality is improving, especially along roadsides where the monitors are placed. As EPA approaches the process of reviewing NO₂ standards, ARTBA urges EPA to take note of the progress which has already been made. Should EPA then decide to alter the NO₂ standards, ARTBA urges the agency to proceed with a balanced approach that is explicitly focused on delivering the most accurate assessment of an entire county's air quality as opposed to select areas to draw a broader conclusion.

If the air quality is improving, further regulation may not be necessary and, perhaps, thought should be given to altering existing requirements in a manner which would reduce regulatory burdens without sacrificing the success which has already been achieved. We look forward to continuing to work with EPA towards achieving cleaner air through regulatory efforts which strike the proper balance between environmental protection and our nation's infrastructure needs.

Sincerely,



T. Peter Ruane
President & C.E.O

¹ U.S. EPA, Air Trends, Nitrogen Dioxide, available at: <https://www3.epa.gov/airtrends/nitrogen.html>.