



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF AIR QUALITY & RADIATION PROTECTION

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*Lt. Governor*

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*Commissioner*

July 18, 2024

### **Via SPeCs**

Richard Ruvo  
USEPA Region 2  
290 Broadway  
Mail Code: 25<sup>th</sup> Floor  
New York, NY 10007-1866  
Ruvo.Richard@epa.gov

**Re: Reclassification Request**  
2015 70 ppb 8-Hour Ozone National Ambient Air Quality Standards  
Philadelphia-Wilmington-Atlantic City Nonattainment Area

Dear Mr. Ruvo,

New Jersey submitted documentation to USEPA to demonstrate that unusually high ozone exceedances at New Jersey monitors on April 13, June 2 and June 29 - 30, 2023 were exceptional events due to the impacts of multiple wildfires that were not reasonably controllable or preventable. These exceptional events are of regulatory significance for New Jersey's portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE Nonattainment Area (SNJ-PA-DE-MD NAA) to be able to satisfy the requirements of 40 CFR 51.1307 for a 1-year extension of the 2015 70 ppb 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) Moderate classification (attainment date of August 3, 2024) and adjustment of the 4th High Daily Maximum 8-hour value used for calculating subsequent compliance with the NAAQS. According to Clean Air Act (CAA) section 181(a)(5)(B), a nonattainment area meets the requirement for a 1-year extension if the area's 4th highest daily maximum 8-hour average in the attainment year (in this case the compliance season for the attainment date which is 2023) is at or below the level of the NAAQS.

New Jersey understands that USEPA may, based on preliminary ozone monitoring data in 2024, determine that the SNJ-PA-DE-MD NAA is not eligible for a 1-year extension of the August 3, 2024 Moderate attainment date. While all of New Jersey monitors in the nonattainment area are in compliance with the 70 ppb ozone NAAQS, even with the inclusion of high ozone levels impacted by wildfire smoke, the preliminary 2024 monitoring data indicates that monitors in other states may not be able to demonstrate attainment and the area will most likely be reclassified by USEPA.

New Jersey has made tremendous progress to reduce ozone precursor emissions and address its contribution to ozone concentrations in its shared nonattainment areas and downwind states. New

Jersey has adopted several significant control measures, including those addressing emissions from mobile sources and power generation such as new Electric Generating Unit Emission Limits, Advanced Clean Trucks, Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards, a #4 and #6 Fuel Oil Combustion Ban, Heavy Duty Inspection and Maintenance (IM), Medium Duty Diesel Vehicles IM, Advanced Clean Cars II and Heavy-Duty New Engine Standards (Omnibus).

However, attainment of the standard is not dependent on local reduction measures alone. The transport of ozone from sources upwind of the nonattainment area continues to contribute significantly to ozone concentrations in the SNJ-PA-DE-MD NAA. With the court stay of USEPA's Good Neighbor Plan for the 2015 Ozone NAAQS for several upwind states, the states within the SNJ-PA-DE-MD NAA will be unable to demonstrate or achieve attainment and are at risk of having their SIPs disapproved.

To avoid potential negative consequences associated with a disapproved SIP, New Jersey requests a voluntary reclassification pursuant to CAA Section 181(b)(3) of the SNJ-PA-DE-MD NAA for the 2015 70 ppb 8-Hour Ozone NAAQS from Moderate to Serious with an attainment date of August 3, 2027. It is our understanding that the other states in the SNJ-PA-DE-MD NAA are making a similar request.

Separately, New Jersey reiterates its request for USEPA to provide concurrence and approval of its Exceptional Events document dated May 23, 2024, and subsequent supplemental documentation dated July 2024, due to the regulatory significance on New Jersey's 4th High Daily Maximum 8-hour value for 2023. The 4th High Daily Maximum 8-hour value for 2023 is critical for New Jersey and the other states in the SNJ-PA-DE-MD NAA to demonstrate compliance with the NAAQS with a 2025 Design Value, and prior to the August 3, 2027 Serious attainment deadline

If you or your staff have any questions, please contact Sharon Davis of my staff by email at [sharon.davis@dep.nj.gov](mailto:sharon.davis@dep.nj.gov).

Sincerely,

Francis C. Steitz,  
Director,  
Division of Air Quality and Radiation  
Protection

c (email letter only):

Rick Ruvo, Director, Air and Radiation Division, USEPA Region 2  
Kirk Wieber, Chief, Air Programs Branch, USEPA Region 2  
Ken Fradkin, Supervisor, Air Planning, USEPA Region 2  
Paul Baldauf, Assistant Commissioner, NJDEP  
Kristina Miles, NJ Deputy Attorney General