

May 16, 2016

Ms. Gina McCarthy, Administrator  
U.S. EPA  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: Ozone Transport Region (OTR) – 176A Petition

Dear Ms. McCarthy,

On December 9, 2013, several states from the Ozone Transport Region (OTR) petitioned U.S. EPA to expand the OTR to include the States of Michigan, Illinois, Indiana, Ohio, Kentucky, West Virginia, Tennessee, North Carolina and Virginia. The petition was accompanied by a document that was prepared to provide technical support for the petition. Over the past few months, we have been in discussion with the petitioning states and requested that they withdraw the petition, but they have refused. Due to the reasons outlined below, we believe that if U.S. EPA acts upon the petition, the petition should be denied. The April 6, 2016 supplemental letter by the northeastern states fails to provide any additional relevant information for you to consider with respect to the pending petition.

The information that was presented to U.S. EPA at the beginning of this process was technically flawed and is now outdated. U.S. EPA does not have any technical grounds as part of the petition process to grant the request of the petitioning states. Further, U.S. EPA does not have an analysis of any potential resultant air quality improvement or implementation costs that would result should the petition be granted.

The original request (December 10, 2013) asked U.S. EPA to include several states (Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia) in the OTR. Their logic was that these states significantly contributed to exceedances of the 2008 ozone NAAQS at monitoring sites in the northeast. The only state that currently exceeds the 2008 ozone standard, based on 2013-2015 data, is Connecticut.

U.S. EPA has been developing a proposed transport rule to address the 2008 ozone standard. These rules proposed on November 17, 2015, and to be adopted in summer of 2016, will address the states' obligation under 110(a)(2)(D) for the 2008 ozone SIP. This latest proposal by U.S. EPA will also address the Cross State Air Pollution Rule remand by the U.S. District Circuit Court of Appeals.

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The undersigned states have experienced large emissions reductions since 2008. This effort has resulted in improved air quality not only for our states but also downwind states toward meeting attainment of the 2008 ozone standard.

The April 6, 2016 letter also expresses a need for this petition to be acted upon because the authors believe that states will not be able to meet the 2015 revised ozone NAAQS. U.S. EPA will need to formalize the implementation requirements for the 2015 standard. The implementation rules will require the submission of the infrastructure SIP including the 110(a)(2)(D) "good neighbor" provisions in 2018. It is clearly premature to pre-judge the submittal of the infrastructure SIPs associated with the 2015 ozone standard.

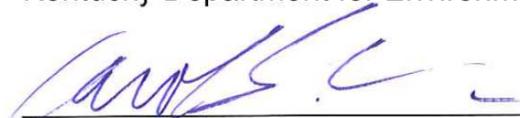
If U.S. EPA decides to move forward with an action on the petition it should be to propose denial. The petition does not provide a justification to expand the OTR since it is outdated and without merit. Thank you for your consideration.



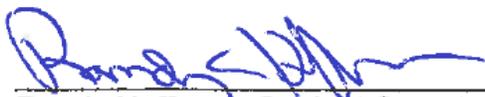
Craig W. Butler, Director  
Ohio Environmental Protection Agency



Bruce Scott, Commissioner  
Kentucky Department for Environmental Protection



Carol Comer, Commissioner  
Indiana Department of Environmental Management



Randy Huffman, Cabinet Secretary  
West Virginia Department of Environmental Protection



Keith Creagh, Director  
Michigan Department of Environmental Quality