

February 14, 2014

Gina McCarthy, Administrator  
U. S. Environmental Protection Agency  
Ariel Rios Building – Mail Code 1101A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Gina:

As you know, in December 2013, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, all of which are members of the Ozone Transport Region (OTR), petitioned the Environmental Protection Agency (EPA) under §176A of the Clean Air Act (the Act) to expand the OTR to include the states of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia. The petitioners argued that the additional requirements that would be imposed on the upwind states as new members of the OTR under §184 of the Act are essential to eliminate their alleged significant contribution to the petitioners' nonattainment with the National Ambient Air Quality Standard (NAAQS) for ozone.

We acknowledge our obligations under §110(a)(2)(d) of the Act to prohibit emissions that would contribute significantly to nonattainment or interfere with maintenance relative to the ozone NAAQS in downwind states. However, we strongly disagree with the stated basis for the petition and respectfully ask EPA to deny the petition in a timely manner. Some of the critical issues identified with the petition include:

- Expanding the OTR is neither an effective nor proper means to reduce ozone in the OTR. Upwind state implementation of emission reductions prescribed for OTR members, particularly CAA emphasis on volatile organic compound emission controls, would not lower ozone concentrations in petitioning states by any substantial amount.
- The petitioners state that their basis for filing the petition is air quality analyses described in a technical support document accompanying the petitions. In general, the information used in the analysis is outdated and does not reflect current and expected future emissions and air quality. This creates a critical deficiency in the basis for the petition.
- The petition inadequately describes the effectiveness of air pollution control programs of the undersigned states and their associated emission rates. For example, EPA's Clean Air Markets Division collects data that shows the tremendous progress made in recent decades in upwind states to reduce electric generating unit (EGU) emissions and improve air quality. EGU emission rates in the upwind states are generally comparable to those in the petitioning states. Additionally, emissions have been substantially reduced from non-EGU sectors in our states.
- The language of §176A of the Act clearly indicates that EPA's action in response to a petition is discretionary. §176A does not require EPA to grant a petition, especially if the Agency is already addressing interstate transport in other ways. EPA is progressing quickly towards completing an updated analysis that will determine what, if any, action is required of upwind states to address transport in the eastern United States. No such technical and economic analysis has been

conducted on the OTR expansion proposal. Creating an ineffective, parallel requirement for OTR membership is not necessary.

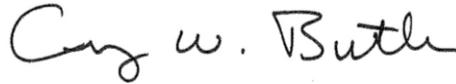
In conclusion, the undersigned states request that EPA deny in a timely manner the December 2013 petition to expand the OTC. If EPA chooses to move forward with anything other than a denial of the petition, we request to be so informed at the earliest date possible. In such case, our states request a dialogue with EPA on the issue and the opportunity to provide more in-depth information as appropriate. It would be helpful for EPA to inform us of details of the expected review process and the timeline for its completion.

We look forward to your response and thank you for your consideration.

Sincerely,



Lisa Bonnett, Director  
Illinois Environmental Protection Agency



Craig W. Butler, Interim Director  
Ohio Environmental Protection Agency



Thomas Easterly, Commissioner  
Indiana Dept. of Environmental Management



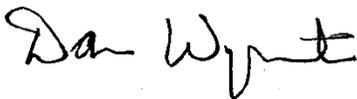
Robert J. Martineau, Jr., Commissioner  
Tennessee Dept. of Environment & Conservation



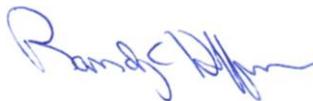
R. Bruce Scott, Commissioner  
Kentucky Dept. for Environmental Protection



David K. Paylor, Director  
Virginia Dept. of Environmental Quality



Dan Wyant, Director  
Michigan Dept. of Environmental Quality



Randy C. Huffman, Secretary  
West Virginia Dept. of Environmental Protection



John E. Skvarla, III, Secretary  
North Carolina Dept. of Environment and Natural Resources

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