



ENERGY AND ENVIRONMENT CABINET

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R. Bruce Scott
Commissioner

July 12, 2013

Mr. Daniel C. Etsy, Connecticut
Connecticut Department of Energy
And Environmental Protection
79 Elm Street
Hartford, CT 06106

Mr. Kenneth Kimmell, Commissioner
Massachusetts Department of
Environmental Protection
1 Winter Street
Boston, MA 02108

Mr. Keith A. Anderson
District of Columbia Department
of the Environment
1200 First Street NE, Suite 500
Washington, DC 20002

Mr. Joseph Martens, Commissioner
New York State Department
of Environmental Conservation
625 Broadway
Albany, NY 12233-1011

Mr. Collin O'Mara, Secretary
Delaware Department of Natural
Resources and Environmental Control
89 Kings Highway
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Ms. Janet Coit, Director
Rhode Island Department of
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235 Promenade Street, Suite 425
Providence, RI 02908-5767

Dr. Robert Summers, Secretary
Maryland Department
of the Environment
1800 Washington Blvd.
Baltimore, MD 21230

Mr. David K. Mears, Commissioner
Vermont Department of
Environmental Conservation
1 National Life Drive, Main 2
Montpelier, VT 05620-3520

Dear Commissioners:

I am in receipt of your letter of May 30, 2013, in which Kentucky was invited to join the Ozone Transport Commission (OTC). Like you and all other states, we are not only keenly interested in addressing transport of precursor pollutants that impair air quality; it is also our mission and statutory duty to do so. Through various past efforts and regulatory programs, Kentucky has complied with all its obligations and the result has been a tremendous improvement in air quality within Kentucky and certainly within our downwind neighbors.

For example, from 2005 to 2011, EPA's Clean Air Markets Division data indicates that Kentucky's annual emissions of SO₂ have decreased by 253,825 tons, a reduction of 51%. In the same time period, annual emissions of NO_x have decreased by 73,489 tons, resulting in a reduction of 44%. These reductions have largely been realized due to the NO_x SIP call and the Clean Air Interstate Rule (CAIR). However, even though the Cross State Air Pollution Rule (CSAPR) has been vacated by the courts, Kentucky coal-fired power plants have

implemented many measures in anticipation of compliance with an acceptable transport rule. In addition, Phase II of CAIR is projected to further reduce SO₂ by 30% and annual NOx emission by 17% by 2015. In fact, Kentucky's emissions of NOx are projected to be lower than would have been required by the CSAPR by 2016. These measures coupled with future reductions from the Mercury and Air Toxics Rule and from mobile sources through engine and fuel standards will result in a very different landscape in 2018 than we now realize. This is why Kentucky strongly supports a 2011 emission inventory with future year projections to accurately account for the reductions that have taken place since the 2005 baseline used in the CSAPR.

Through our various interstate partnerships and affiliations in regional and national organizations, Kentucky has played a key role in efforts to address issues like transport. The 10-state collaboration in the southeast to address regional haze serves as a shining example of success that resulted in EPA Region 4 states being first to the finish line in completion of our regional haze obligations. We realize that no one state can address these multi-faceted interstate problems alone; therefore, we continue to be a strong supporter of cooperative efforts to reach common goals. As you are probably aware, we attended and were an active participant in EPA's April 8, 2013 meeting at the Research Triangle Park. We intend to stay engaged in the EPA process, which we believe is the most sensible way to address this matter without undue adversarial action.

In closing, while we are certainly willing to engage in mutual beneficial efforts to address interstate matters, we do not believe Kentucky becoming a part of the OTC is warranted or appropriate in order to address air quality transport issues. Therefore, I thank you for your offer but must respectfully decline your invitation to join the OTC. We remain committed to efforts to improve air quality that will result in meaningful results and are willing to discuss collaborative measures to meet these goals.

Sincerely,



R. Bruce Scott, Commissioner
Kentucky Department for Environmental Protection

- c: Ms. Anne Gobin, Connecticut Bureau of Air Management
Ms. Nancy Seidman, Massachusetts Bureau of Waste Prevention
Ms. Cecily Beall, District of Columbia Air Quality Division
Mr. David Shaw, New York Division of Air Resources
Mr. Ali, Mirzakhali, Delaware Air Quality Management Section
Mr. Doug McVay, Rhode Island Office of Air Resources
Mr. George Aburn, Maryland Air and Radiation Management Administration
Mr. Richard Valentinetti, Vermont Air Pollution Control Division
Ms. Lisa Bonnett, Illinois Environmental Protection Agency
Mr. John E. Skvarla III, North Carolina Department of Environment and Natural Resources
Mr. David K. Paylor, Virginia Department of Environmental Quality
Mr. Dan Wyant, Michigan, Department of Environmental Quality
Mr. Robert J. Martineau, Jr., Tennessee Department of Environment and Conservation
Mr. Scott Nally, Ohio Environmental Protection Agency
Mr. Randy C. Huffman, West Virginia Department of Environmental Protection
Mr. Tom Easterly, Indiana Department of Environmental Management