

May 30, 2013

R. Bruce Scott, Commissioner
Kentucky Department for Environmental Protection
300 Fair Oaks Lane
Frankfort, Kentucky 40601

Dear Commissioner Scott:

For the past year, the undersigned Mid-Atlantic and Northeast states have been working together to find solutions to address ozone transported into our region. As fellow Environmental Commissioners, we write to invite Kentucky to become a member of the Ozone Transport Commission (OTC) and to work collaboratively with us to resolve this important public health issue.

As receptors of transported air pollution, the current Mid-Atlantic and Northeast states in the OTC are faced with a major public health challenge in our efforts to achieve the ozone standards and to provide our citizens with clean air. This challenge is made even more difficult given the failure of the Environmental Protection Agency's (EPA's) efforts to adopt and implement a transport rule that can withstand judicial review.

Our states have already implemented some of the most rigorous and comprehensive ozone and ozone precursor control programs in the country. We continue to evaluate and adopt new control programs to further reduce our contribution to this pollution, yet our citizens continue to suffer from unhealthy air quality because of pollution transport.

We have recorded incoming ozone at concentrations that significantly contribute to our nonattainment problems. On many days, the transported incoming ozone, itself, exceeds the ozone standard. Air quality modeling performed by EPA, our states and by states outside of the Ozone Transport Region, shows that well over 50 percent of the ozone concentration in our states originates in upwind states that are outside of the Ozone Transport Region.

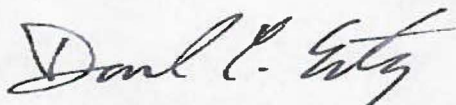
EPA has recently held a series of meetings that are intended to begin a collaborative discussion on this difficult, but critical issue. The Environmental Council of States (ECOS) has also initiated a discussion on the transport issue. Some very preliminary technical discussions have also been initiated by the Air Directors in some of our states. We strongly support these efforts. Since EPA has stated that it anticipates establishing each state's transport obligations rather than specific implementation mechanisms, the states will be left to develop solutions. Congress established the OTC specifically for that purpose.

The OTC is a multi-state organization, created under the Clean Air Act, responsible for advising EPA on transport issues and for developing and implementing regional solutions to the ground-level ozone problem. The science indicates that your state and others contribute to the ozone transport problem and should become part of the regional planning and implementation effort.

EPA has the authority under §176A of the Clean Air Act to add your state to the OTC upon receipt of a petition. We would like to extend an invitation to Kentucky to formally join the OTC. Through the OTC we can work together to resolve the issue of ozone transport. Please let us know by June 20, 2013 if Kentucky is interested in joining the OTC.

Please feel free to contact any one of us to discuss this issue.

Sincerely,



Daniel C. Esty, Connecticut



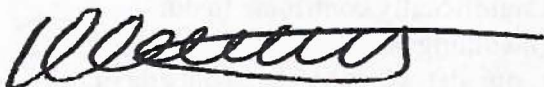
Keith A. Anderson, District of Columbia



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Kenneth L. Kimmell, Massachusetts



Joseph J. Martens, New York



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