



March 4, 2002

Connecticut

Delaware

Jeffrey R. Holmstead, Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
6101A

District of Columbia

Maine

Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Maryland

Dear Mr. Holmstead:

Massachusetts

On behalf of the Ozone Transport Commission (OTC), thank you for attending our Winter meeting in Baltimore, Maryland on February 26th and speaking with us on the U.S. Environmental Protection Agency's (EPA's) air priorities. The exchange was frank and, I believe, mutually beneficial. This letter further details our expressed concerns regarding EPA's process and progress to date in developing its implementation approach for the eight-hour ozone standard.

New Hampshire

New Jersey

New York

Our need to reduce ozone and ozone transport into and within the Ozone Transport Region is driven by our mandate to protect public health. As you know, exposure to ground-level ozone can cause lung inflammation and irreversible lung damage, and aggravates asthma and other respiratory conditions and illness. Ozone reduces the immune system's ability to fight off bacterial infections in the respiratory system. Scientists have found that approximately one in three people in the U.S. is at a higher risk of experiencing ozone-related health effects. These adverse effects are prevalent in children, healthy adults that work or are active outdoors, those with pre-existing respiratory ailments, and in some cases, the elderly. Our position is that it is imperative that plans and programs are implemented that result in real emission reductions -- and ensure attainment of the eight-hour ozone standard -- as soon as possible.

Pennsylvania

Rhode Island

Vermont

Virginia

Bruce S. Carhart
Executive Director

In October 2000, a process was established through the state and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials (STAPPA/ALAPCO) to help EPA develop an implementation approach for the eight-hour ozone standard. Over the past two years, we have supported this process and committed significant resources in order to participate in it. To date, EPA has developed three preliminary classification options (enclosed), all of which are unacceptable to us.

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We are disappointed that EPA's efforts to date in drafting classification options do not reflect the recommendations developed by the state participants in the STAPPA/ALAPCO process. EPA and the states had agreed that work products from that process would directly inform EPA's implementation approach. The participating States and EPA collaborated to develop an excellent series of technical and policy papers as a menu of options for EPA to use. EPA collected and distributed these papers to all participants over a year ago; they are enclosed, and we would like them to be entered into Docket #2001-A-31 (see 67 FR 7112-7113).

The three classification options do not address ozone transport, which we believe is a fundamental contributor to the extent of eight-hour non-attainment in the Ozone Transport Region. EPA's apparent disregard of transport in this context is unsupported, given the understandings of transport we have all learned from past efforts, including those of OTC and the Ozone Transport Assessment Group (OTAG). As you know, the "NOx SIP Call" was implemented in light of the overwhelming evidence --generated by the OTAG process -- of the impacts of ozone transport on the ability of "downwind" areas to attain the ozone standard.

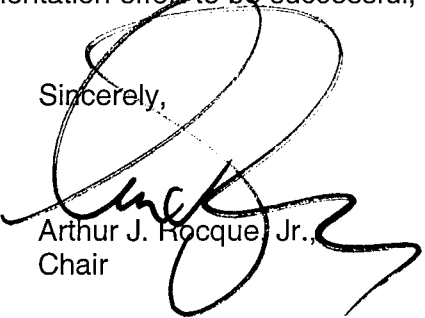
We strongly oppose Options 1 and 3, which automatically create "sub-marginal areas" in which control requirements would be significantly limited -- short of a downwind State submitting a §126 petition. Option 2 (which classifies non-attainment areas by comparing the area's eight-hour ozone design value to recalibrated one-hour ozone classification cut-points from the Clean Air Act) appears to comport with the Supreme Court's decision, but presents significant concerns since it does not account for transport of ozone and ozone precursors.

It is our position that EPA's final eight-hour ozone implementation approach must deal with transport up front. EPA's current classification options do not build on the lessons learned from the problems experienced over many years in implementing the one-hour ozone standard. A more stringent and robust eight-hour ozone standard implies, by design, that additional, new areas must control emissions to some extent in order for all areas to attain the standard. There are many requirements and mechanisms in the Clean Air Act that require EPA to consider the effects of transport in non-attainment area designations, classifications and State Implementation Plan approval processes. There is also considerable scientific evidence that regional NOx reductions are more critical than VOC reductions in addressing ozone transport. Therefore, we believe that EPA could develop guidance that addresses new non-attainment area minimum requirements within the context of Subpart 2 of the Clean Air Act, without necessarily requiring a vast menu of VOC controls. We believe EPA can integrate these concepts into an eight-hour implementation approach that is consistent with the Supreme Court's decision.

We would like to continue working with you to develop thoughtful and viable implementation approaches that address transport through upwind and non-attainment area accountability. We believe that the states have a lot to offer, and that EPA has not taken full advantage of our considerable expertise. In response to your request, within the next month, the Northeast and Mid-Atlantic states will develop a proposed framework approach and some options for eight-hour implementation.

We would be happy to discuss our proposal with you and your staff. As you know, we need the eight-hour ozone standard implementation effort to be successful, as the health of our citizenry relies on its success.

Sincerely,



Arthur J. Rocque, Jr.
Chair

Enclosures

cc: OTC Members
S. William Becker, STAPPA/ALAPCO
Rob Brenner, EPA
Bruce Carhart, OTC
Arthur Marin, NESCAUM
John Seitz, EPA
Lydia Wegman, EPA
Susan Wierman, MARAMA