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February 12, 2018

William Wehrum  
Assistant Administrator  
U.S. Environmental Protection Agency  
Office of Air and Radiation (6103A)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Assistant Administrator Wehrum:

Following up on your discussion with the Western Governors' Association (WGA) executive team last month, this letter provides greater detail regarding the Governors' priorities for air quality policy and regulation in the West. We thank you for your outreach and look forward to working closely with the Office of Air and Radiation (OAR) of the Environmental Protection Agency.

### **Air Quality Policy and Regulation in the West**

Clean air is essential for strong communities and quality of life. In the West, high elevations, extreme variations in topography, vast landscapes, and vacillating weather patterns influence air quality. The West is also disproportionately impacted by wildfires, high wind dust events, and international transport of pollutants. Pollutant sources, methods of dispersion, and types of impacted areas in the West are very different than those in the eastern United States.

The Clean Air Act (CAA) directs states to reduce emissions from criteria pollutants that states can control – not natural or international sources. Air quality in the West has benefited from significant emissions reductions over the last 20 years, but the number and types of remaining emissions sources controllable by states are somewhat limited.

To address these uniquely western issues, we believe cooperative federalism in air quality management must be strengthened. In some cases, EPA disregards state expertise and authority over air quality. In all cases, EPA should recognize state authority under the CAA and accord states sufficient flexibility to create air quality programs tailored to individual state needs, industries, and economies. WGA Policy Resolution [2017-01](#), *Building a Stronger State-Federal Relationship*, has more detail on the Governors' vision for the state-federal relationship.

We are especially focused on improving communications among EPA, federal and state land managers and foresters, and state air quality agencies to address wildfire in the West. Prescribed fire is an essential active management tool to mitigate the threat of catastrophic wildfires. Obstacles to prescribed fire are putting communities and western lands at unnecessary risk. When uncontrolled wildfire does occur, EPA should provide an expedited process to reduce the bureaucratic burden of and efficiently approve exceptional events demonstrations. We ask you to consider how the Agency can promote the responsible use of prescribed fire and implement the other recommendations outlined below.

## **Recommendations for Improving Air Quality Policy and Regulation in the West**

### ***Co-Regulation***

- Federal agencies should engage with Governors and state air quality agencies as co-regulators. For example, in the Prevention of Significant Deterioration (PSD) program, EPA should clarify responsibilities and procedures to improve coordination and consultation among state agencies, EPA, and federal land managers, as well as develop guidelines and tools for the program in consultation with states.
- State CAA programs require financial and technical support from EPA and Congress. EPA must also have the resources to perform the research necessary to develop tools, templates, and guidance for states to implement effective and efficient air programs.
- EPA should consult with states prior to any decision on a potential rule or guidance and throughout the drafting process. EPA should also provide states timely implementation guidance when new and revised regulations are published.
- States require certainty and consistency to implement their CAA programs. EPA should maintain the deadline for the New Source Performance Standard (NSPS) for wood stoves and its regulations addressing mobile sources. States are depending on these reductions to comply with their State Implementation Programs (SIPs).
- Under current rules and guidance, states must monitor National Ambient Air Quality Standards (NAAQS) throughout the 20-year maintenance period, even when there is no threat of an exceedance. States should be allowed to reduce monitoring in maintenance areas that demonstrate permanent air quality below the NAAQS, which will free resources to address pollutants that remain a concern.

### ***Ozone***

- Uncontrollable events and conditions such as wildfire, lightning, biogenic emissions, stratospheric ozone intrusion, and transported ozone from international and interstate sources result in elevated levels of background ozone. Western Governors have significant concerns about the lack of CAA tools available to account for ozone exceedances resulting from factors outside state control.
- The West needs additional and ongoing research on background, interstate and international ozone. This research should be transparent, comprehensive and coordinated with state air quality agencies and regional organizations. With this new information, EPA should reconsider the one percent threshold for significant contribution for interstate ozone transport obligations.

### ***Exceptional Events***

- Exceptional event demonstrations are resource-intensive, costly and place a significant burden on strained state resources, especially when EPA does not review these state submissions in a timely manner. EPA should streamline the process for exceptional event demonstrations,

provide additional technical tools for states, and allocate resources to review state demonstrations.

- Western Governors believe the states and EPA would benefit from the following approaches to exceptional events demonstrations: (1) aggregation of multiple factors contributing to air quality to prove a single exceptional event exceedance demonstration; (2) regional exceptional event demonstrations; and (3) reference to previously submitted and approved exceptional events demonstrations for repeated event types.
- EPA should: create an online submission system for exceptional event demonstrations; develop a database with information on air quality impacts in the West (with special emphasis on wildfires); and provide a clearinghouse with tools that states can use for exceptional events demonstrations.

### ***Regional Haze***

- Good visibility in the 118 western Regional Haze Program Class 1 Areas, which include many of the crown jewels of the West's national parks and wilderness areas, impacts western states' economies. It is important to address mobile and international emissions sources beyond states' control in the context of western states' regional haze planning processes.
- The profound impacts of fire and smoke on the visibility at Class I areas in the West should be recognized in the Regional Haze Guidance and Rule.
- EPA provided Draft Regional Haze Guidance for the second implementation period of the Rule in July 2016, but has not finalized this guidance. States are beginning work on their SIPs for the second implementation period. Final Regional Haze Guidance is necessary to reduce uncertainty for states as they formulate their SIPs.
- Given the importance of improved visibility in the West, EPA should provide funding and resources to states throughout the planning and implementation process.

### ***Wildfire and Prescribed Fire***

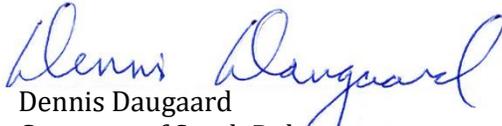
- More frequent and intense wildfires are steadily reducing the West's gains in air quality improvement. Smoke from wildfires can cause air quality to exceed the NAAQS for particulate matter and ozone, impacting public health, safety and transportation. Prescribed fire, which is managed according to state SIPs and smoke management programs, can reduce these impacts, but is currently underutilized.
- Western Governors support the use of prescribed fire to reduce the air quality impacts from uncharacteristic wildfire in the West. Federal and state land managers should have the ability to use prescribed fires when weather and site conditions are appropriate and air quality impacts are minimized.
- Prescribed fire practices should include smoke management planning coordinated among state land managers, state air agencies, state health departments, EPA, other federal agencies, and

federal land managers. State or regional prescribed fire councils can help facilitate this coordination.

- Western Governors call on EPA and federal land managers to improve existing tools and create additional tools for states to encourage prescribed fire. These should include an exceptional events guidance for prescribed fire, and tools to address the air quality impacts from wildfire in the West.

We ask for your leadership in implementing the above recommendations at OAR. Please contact us with any questions regarding these or any other issues. We look forward to working with you to improve air quality policy and regulation in the West.

Respectfully,



Dennis Daugaard  
Governor of South Dakota  
Chair, WGA



David Ige  
Governor of Hawaii  
Vice Chair, WGA