



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

March 30, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Dennis Daugaard  
Governor of South Dakota  
Chair, Western Governors' Association  
1600 Broadway, Suite 1700  
Denver, Colorado 80202

Dear Governor Daugaard:

Thank you for your letter of February 12, 2018, to the U.S. Environmental Protection Agency (EPA) regarding the Governors' priorities for air quality policy in the West, specifically in the areas of cooperative federalism, ozone transport, exceptional events, regional haze and fire. We recognize that air quality in the western United States is influenced by high elevations, varied topography and unique weather patterns and we will continue to work with you to address these air quality challenges. We appreciate and will consider your feedback for each of the areas you identify in your letter. We wanted to also take this opportunity to provide you with some additional information we hope you will find helpful as we continue to work collaboratively in these important air quality programs.

On the topic of interstate transport generally, as you identify in your letter, under the Clean Air Act (CAA), states are not responsible for reducing emissions that are not in their control. The CAA and EPA policies identify a number of tools that provide regulatory relief in areas significantly influenced by uncontrollable contributors to "background" ozone (*e.g.*, Exceptional Events Rule and section 179B of the CAA). In addition, the CAA and EPA address the interstate transport of ozone through the implementation of section 110(a)(2)(D)(i)(I) of the CAA, the "good neighbor" provision.

Regarding the interstate transport of ozone, on October 27, 2017, EPA issued a memorandum providing information to assist states' efforts to develop, supplement, or resubmit their "good neighbor" state implementation plans (SIP) for the 2008 ozone National Ambient Air Quality Standards (NAAQS). We noted in this memorandum that states may be able to rely on the modeling information conveyed with the memorandum as part of a demonstration of compliance with the good neighbor requirements. We believe this information will be helpful to any state working to resolve its 2008 good neighbor status.

In addition, EPA expects to provide additional air quality modeling data for ozone, including projected ozone concentrations at potential nonattainment and maintenance receptor sites for the 2015 ozone NAAQS and projected upwind state contributions to those potential receptors. All states may use this forthcoming information as they develop or review state implementation plans that address the CAA good neighbor provision for the 2015 ozone NAAQS. We also intend to work closely with states to explore additional flexibilities as to how they use this information in developing their good neighbor SIP submittals for the 2015 NAAQS.

After extensive stakeholder outreach and engagement, including numerous discussions with western states, in 2016, EPA adopted changes to its Exceptional Events Rule intended to help streamline and reduce burdens on states for exceptional events demonstrations. To facilitate implementation of the 2016 rule revisions, EPA developed and released a number of supporting documents, including *Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations* and *Best Practices for Preparation of Multi-Agency Exceptional Events Demonstrations*. These and other implementation tools can be found on EPA's exceptional events webpage (<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>).

EPA is committed to working closely with states through its Regional offices to continue to improve the Exceptional Events Rule implementation experience through collaboration and the development of additional implementation tools, such as materials addressing stratospheric ozone intrusions and prescribed fires. EPA is also working to develop an online submission and tracking system for exceptional events demonstrations. Further, EPA is developing information that will assist states in applying the provisions in section 179B of the CAA and demonstrating that an area would meet air quality standards but for emissions transported from outside of the United States. EPA recently held calls with air agencies seeking specific feedback on implementation of the exceptional events program, including a call focused on Western states.

On another topic raised in your letter, regional haze, EPA recently announced that it plans to revisit aspects of the 2017 Regional Haze Rule revisions. The large impacts from wildfire in western states will remain a major consideration in our thinking about regional haze and we appreciate the points you raised in your letter on that topic.

Related to the Governors' expressed desire for additional research, EPA is working on a number of fronts to better understand potential international sources of ozone and identify opportunities for reducing long-range transport of this ozone and its precursors. EPA's Office of Air and Radiation is partnering with states, stakeholders, and EPA's Office of Research and Development to better evaluate and apply global models to inform local analyses of international transport on days of specific interest in the context of the ozone standards. Further, we are also actively participating in the WESTAR/American Petroleum Institute Background Ozone Science Assessment, which convened a workshop and produced a review paper on background ozone. EPA continues to participate in bi-annual technical conference on western state air quality issues.

Again, thank you for your letter. We appreciate the opportunity to be of service and trust the information provided is helpful.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W L Wehrum', with a long horizontal flourish extending to the right.

William L. Wehrum  
Assistant Administrator

