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February 21, 2017

Ms. Gobeail McKinley
U.S. Environmental Protection Agency
Office of Air Quality Planning and Standards
Air Quality Policy Division (Mail code C539-01)
Research Triangle Park, NC 27711

Re: Docket ID No. EPA-HQ-OAR-2016-0596

Dear Ms. McKinley:

On behalf of the Commonwealth of Kentucky, the Energy and Environment Cabinet (Cabinet) provides this letter of support for the Environmental Protection Agency's (EPA) proposed action to deny the Clean Air Act (CAA), section 176A[1] petition submitted on December 9, 2013.[2] The proposed action denies the petition submitted to EPA by the states of Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island and Vermont, under CAA section 176A, requesting that EPA add states, including Kentucky, to the Ozone Transport Region (OTR). The Cabinet concurs with EPA's conclusion to deny the petition.

It is important to note that EPA's proposed action to deny the section 176A petition is not based upon the merits of the petition itself and EPA's action fails to provide a technical review of the air quality analysis submitted by the petitioners.[3] Rather, EPA's proposed action centers around EPA's belief "…that the statute provides other, more effective means of addressing the impact of interstate ozone transport on the states within the OTR with respect to the 2008 ozone NAAQS." Consistent with the May 16, 2016 letter sent to EPA by several petitioned states,[4] the Cabinet requests that EPA also find that the technical analysis of the section 176A petition is outdated, technically-flawed, and fails to support the petition.

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[1] 42 U.S.C.A. §§ 7506a
[2] "Cover Letter to the CAA Section 176A Petition", (Docket ID: EPA-HQ-OAR-2016-0596-0004)
[3] "CAA Section 176A Petition Technical Support Document Submitted December 9, 2013", (Docket ID: EPA-HQ-OAR-2016-0596-0002)
[4] "May 16, 2016, letter from the states of Ohio, Kentucky, Indiana, West Virginia, and Michigan", (Docket ID: EPA-HQ-OAR-2016-0596-0013)

Several states identified how the petition is without merit and should be denied due to an unsupported technical analysis characterizing air quality and the impacts on downwind ambient air monitors.[5] The petition included modeling information using emissions inventories developed with a 2005 base year and emissions from fossil fuel-fired electric generating units (EGUs). Since 2005, emissions of nitrogen oxides (NOx) from EGUs in Kentucky have decreased approximately 31 percent during the ozone season.[6] The petition and EPA's proposed action fail to account for the significant emissions reductions that have occurred and do not provide a statistical relationship between the emissions from Kentucky and the impacts on the downwind ambient air monitors.

To better illustrate the relationship between emissions from Kentucky EGUs and the associated impacts on downwind ambient monitors, the chart below details that the actual emissions of NOx and VOC in Kentucky have decreased by 39% and 17% respectively, based on 2005 emissions compared to 2010 emissions.[7] However, the ambient air monitoring data for the Harford, Maryland monitor shows that the design value for 2010 has decreased from the 2005 design value by only 3% during that same time period.[8] Therefore, the emissions data supports the conclusion Kentucky emissions are not a significant contribution to the ozone nonattainment problem in Maryland.

Year	KY NOx (Annual)	Percent Difference	KY VOC (Annual)	Percent Difference	Maryland DV (ppb)	Percent Difference
2005	203,959.70		48,835.72		99	
2010	124,662.91	-39%	40,426.22	-17%	96	-3%

The comparison above indicates that the ozone problem in the Northeast, particularly Maryland, is likely due to localized sources. In the *2011 Congested Corridors Report*, researchers identified thirteen (13) corridors in Washington D.C. and five (5) corridors in Baltimore as highly congested, which contribute significantly to the nonattainment problem for Maryland.[9] In fact, EPA details the emissions inventory comparison between mobile sector emissions and EGUs in the proposed action:

> *In 2014, the most recent year for which the National Emissions Inventory (NEI) is available, on-road and nonroad mobile sources accounted for about 56 percent of annual NO_X emissions; and the electric power industry (EGUs) accounted for about 13 percent.*[10]

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[5] Letters from Petitioned States (February 14, 2014, EPA-HQ-OAR-2016-0596-0008; July 7, 2015, EPA-HQ-OAR-2016-0596-0010)

[6] Clean Air Markets Division (https://ampd.epa.gov/ampd/), 2005 Ozone Season = 36,729.5 tons of NO_x and 2016 Ozone Season = 25,402 tons of NO_x

[7] Clean Air Markets Division (https://ampd.epa.gov/ampd/), Kentucky EGUs Annual NO_x emissions= 124,662.91 tons

[8] Edgewood, Monitor ID: (24-025-1001)

[9] Texas Transportation Institute, The Texas A&M University System (http://mobility.tamu.edu November 2011)

[10] *82 FR 6519(January 23, 2017)*

As stated in the proposed action, there are several existing national rules designed to achieve emission reductions from on-road vehicles through 2025 and beyond that are better suited to address the Northeast states' poor air quality, including:

- Control of Air Pollution from Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards;[11]
- Control of Air Pollution from New Motor Vehicles: Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements;[12]
- Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements;[13]
- Model Year 2017 and Later Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards;[14]
- Model Year 2012-2016 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards;[15]
- Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2;[16]
- Phase 1 Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles;[17] and
- Control of Hazardous Air Pollutants from Mobile Sources.[18]

The petition and its supporting information ignored mobile source emissions and instead focused only on EGU emissions. This narrow approach skews the determination of "significant contribution" and fails to appropriately determine the least cost control strategies to improve air quality. In future actions, the Cabinet requests that EPA fully evaluate the air quality in the Northeast and not ignore the largest source of emissions in those nonattainment and maintenance areas.

In closing, the Cabinet supports EPA's proposal to deny the 176A petition filed; however, the Cabinet requests that EPA also deny the false claims that Kentucky is a significant contributor to the localized air quality problems of the Northeast. If you have specific questions to this letter of support, please do not hesitate to contact me at your convenience or contact Mr. Sean Alteri, Director of the Kentucky Division for Air Quality at (502) 782-6541.

Sincerely,

Charles G. Snavely

[11] 81 FR 23414, (April 28, 2014).
[12] 65 FR 6698, (February 10, 2000).
[13] 66 FR 5002, (January 18, 2001).
[14] 77 FR 62624, (October 15, 2012).
[15] 75 FR 25324, (May 7, 2010).
[16] 81 FR 73478, (October 25, 2016).
[17] 76 FR 57106, (September 15, 2011).
[18] 72 FR 8428, (February 26, 2007).