

May 17, 2016

The Honorable Ken Calvert  
Chairman  
Subcommittee on Interior and Environment  
House Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Betty McCollum  
Ranking Member  
Subcommittee on Interior and Environment  
House Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Calvert and Ranking Member McCollum,

We write in support of a March 22<sup>nd</sup> letter from 28 Members led by Rep. Flores and Rep. Olson to your Subcommittee requesting that you consider including in the FY 2017 Interior, Environment and Related Agencies Appropriations bill the following language related to implementation of EPA's recently finalized standards for ground-level ozone:

“To implement the national ambient air quality standards for ozone published in the Federal Register on October 26, 2015 (80 Fed. Reg. 65292):

- (i) the Governor of each State shall designate areas of the State as attainment, nonattainment, or unclassifiable with respect to the standards not later than October 26, 2024;
- (ii) the Administrator of the Environmental Protection Agency shall promulgate final designations for all areas in all States with respect to the standards not later than October 26, 2025;
- (iii) each State shall submit the plan required by section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(a)(1)) for the standards not later than October 26, 2026; and
- (iv) the standards shall not apply to the review and disposition of a preconstruction permit application required under part C or D of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) if the Administrator or the State, local or tribal permitting authority, as applicable, has determined the application to be complete prior to the date of promulgation of final designations, or has published a public notice of a preliminary determination or draft permit before the date that is 60 days after the date of promulgation of final designations.”

We believe that this recommended language will allow states to prioritize their limited funding on implementing currently-scheduled emissions reductions that accomplish clean air goals while balancing economic development. As you may be aware, during rulemaking for the recently-issued 2015 ozone standard, comments from numerous state and local officials as well as other stakeholders noted that ozone levels have dropped precipitously since 1980, a trend that is projected to continue. Those commenters warned EPA that imposing a new ozone standard on top of the then-existing 2008 standard would result in overlapping and wasteful implementation schedules.

Indeed, EPA delayed work on the 2008 ozone standard for two years while the Administration pursued, and then abandoned, reconsidering that standard. This caused EPA to fall so far behind on the 2008 ozone standard that it did not provide states with necessary implementation guidance until 2015. After waiting on EPA, states are just now starting new emissions reductions under the 2008 ozone standard. Rather than give states the time they need to finish their work, EPA issued the 2015 ozone standard, which could substantially increase nonattainment to up to 958 counties or more, forcing additional controls for most to meet the 2015 standard by 2020 or 2023.

Yet EPA projects that nearly the entire country will meet the 2015 ozone standard in 2025 just by implementing existing measures like the 2008 ozone standard. In other words, EPA is substantially burdening the valuable but limited resources of state agencies, already strained from implementing EPA's many other recent regulations, with new costs and redundant implementation schedules in order to achieve the same air quality just two to five years earlier.

The language recommended in the March 22<sup>nd</sup> letter is a common-sense alternative to implementing the 2015 ozone standard, one that mitigates state and economic impacts while allowing for continuing air quality improvements. By phasing the 2015 ozone standard implementation schedule, the language provides states time to enact already-planned emissions reductions under the 2008 ozone standard. This will prevent states from draining administrative and economic resources on duplicative implementation schedules. The language also addresses permitting concerns in areas that meet the 2008 standard but fall short of the 2015 standard, where businesses face challenges in securing the air permits they need to expand facilities and create jobs.

For these reasons, we ask that the Subcommittee consider the language recommended in the March 22<sup>nd</sup> letter providing implementation relief under the 2015 ozone standard.

Very respectfully,

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Garret Graves  
United States Representative

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Brad Ashford  
United States Representative

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Luke Messer  
United States Representative

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Ralph Abraham, M.D.  
United States Representative

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Cedric Richmond  
United States Representative

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Rick Allen  
United States Representative



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Mia Love  
United States Representative

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Brian Babin, D.D.S.  
United States Representative

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Mike Rogers  
United States Representative

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Dan Benishek, M.D.  
United States Representative

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Frank Lucas  
United States Representative

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Sanford Bishop Jr.  
United States Representative



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Rob Woodall  
United States Representative

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Marsha Blackburn  
United States Representative



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Lou Barletta  
United States Representative

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Rod Blum  
United States Representative