

Congress of the United States
Washington, DC 20515

March 22, 2016

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

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

Dear Chairman Calvert and Ranking Member McCollum:

During your Subcommittee's consideration of the FY2017 Interior, Environment and Related Agencies Appropriations bill, we respectfully request that you consider inserting the following language related to implementation of the Environmental Protection Agency's (EPA) 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.”

As you may be aware, EPA initially established national ambient air quality standards for ground-level ozone in 1971, and subsequently revised the standard in 1979, 1997, and 2008. While EPA delayed and did not publish implementing regulations for the 2008 standards until

February 2015 (nearly 7 years after promulgation of the 2008 standards), the agency has recently revised those standards, publishing a rule on October 26, 2015 lowering the primary and secondary standards from 75 parts per billion (ppb) to 70 ppb. Because the 2008 ozone standards remain in effect, States now face the prospect of simultaneously implementing two national ambient air quality standards for ozone.

Although EPA expects to make final designations relating to the 2015 ozone standards based on 2014-2016 monitoring data which is not yet available, EPA projects based on its most recent monitoring data (2012-2014) that there are currently [241 counties](#) with monitors in 33 states that would fail to meet a 70 ppb standard. This projection does not include contiguous counties that do not exceed the standard but that may be designated to be in nonattainment, nor does it include the more than 2,000 counties that do not currently have ozone monitors.

Counties designated to be in nonattainment with the new standards become subject to new emissions control requirements, transportation conformity requirements, and more stringent permitting requirements on growth, affecting new manufacturing, construction, and Federal highway funding. If the 2008 and 2015 ozone standards implementation schedules are not harmonized, already strained State resources will be burdened by overlapping implementation schedules, and counties that are projected to achieve necessary air quality improvements under already existing regulations and programs may nonetheless face significant and permanent sanctions.

EPA currently plans to require designation recommendations for its 2015 ozone standards not later than October 1, 2016 and to promulgate final designations of areas that do not meet the 2015 ozone standards not later than October 1, 2017, with compliance dates ranging from 2020 through 2037 depending upon the level of classification. To avoid overlapping implementation schedules and undue strains on State resources, and to facilitate reasonable and efficient implementation of the two standards, we ask that you include the language above in the FY2017 Interior and Environment appropriations bill.

Thank you in advance for your consideration of our request.

Sincerely,



Bill Flores
Member of Congress



Pete Olson
Member of Congress



Robert E. Latta
Member of Congress



Ed Whitfield
Member of Congress

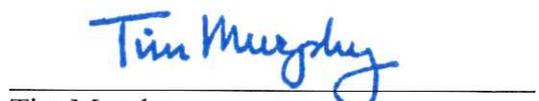

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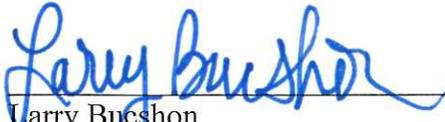

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