

Congress of the United States
Washington, DC 20515

March 29, 2017

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 FY2018 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):

- (1) 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;
- (2) 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;
- (3) 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
- (4) 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; and
- (5) the provisions of subsections (1) through (4) above shall apply notwithstanding the deadlines set forth in Section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and Section 110(a)(1) of the Clean Air Act (42 U.S.C. 7410(a)(1)).

This language is identical to Section 438 of the House-passed FY2017 Interior and Environment appropriations bill.

As you are 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 also 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. With the 2008 ozone standards for which EPA failed to issue implementing standards until 2015, and the most recent standards, States face the challenge of simultaneously implementing two national ambient air quality standards for ozone.

Based on the agency's monitoring data for 2012-2014, [241 counties](#) in 33 states would violate this standard. This does not include contiguous counties that do not exceed 70 ppb, but that may be designated to be in nonattainment, nor does it include the more than 2,400 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 is scheduled 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 FY2018 Interior and Environment appropriations bill.

Thank you in advance for your consideration of our request.

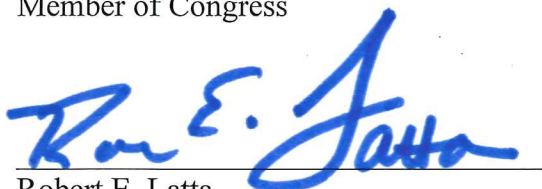
Sincerely,



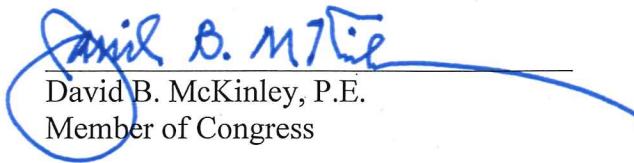
Bill Flores
Member of Congress



Pete Olson
Member of Congress



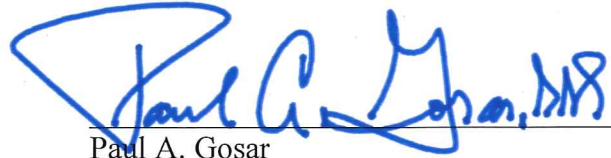
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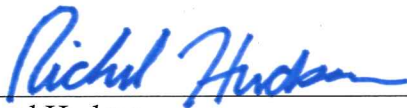
Steve Chabot
Member of Congress



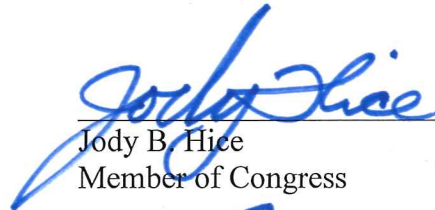
Bill Johnson
Member of Congress



Jackie Walorski
Member of Congress



Richard Hudson
Member of Congress



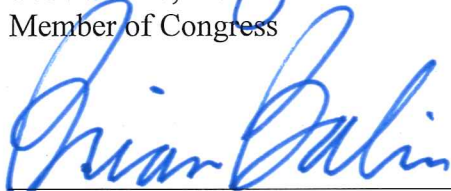
Jody B. Hice
Member of Congress



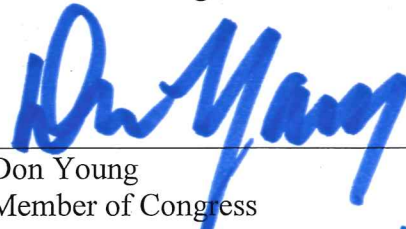
Ted S. Yoho, DVM
Member of Congress



Kevin Cramer
Member of Congress



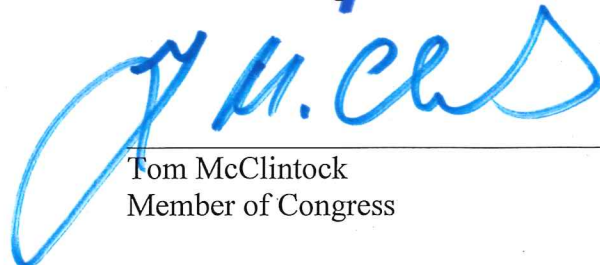
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Member of Congress



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