



May 3, 2022

Mr. Joseph Goffman
Principal Deputy Assistant Administrator
Office of Air and Radiation (OAR)
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov>

Subject: 60-day comment period extension for U.S. EPA proposed “Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard” (Docket ID No. EPA-HQ-OAR-2021-0668)

Dear Mr. Goffman:

The Association of Air Pollution Control Agencies (AAPCA)¹ requests an extension of the current 60-day comment period on U.S. EPA’s proposed rule, “Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard.”² Specifically, AAPCA seeks an additional 60 days, until at least August 5, for agencies to adequately review the proposal and associated technical analyses, and develop substantive feedback that can inform a final rulemaking from U.S. EPA.

U.S. EPA’s proposed rule would establish a Federal Implementation Plan (FIP) for 26 states to address interstate transport obligations under Section 110 of the Clean Air Act for the 2015 ozone National Ambient Air Quality Standard (NAAQS). Of the states that would be subject to a federal plan under the proposal, the majority that would need to meet “new ozone season [nitrogen oxides (NO_x)] emissions budgets beginning in 2023 for Electric Generating Unit (EGU) sources [and] emissions limitations beginning in 2026 for certain other industrial stationary sources,” referred to as “non-Electric Generating Units” (non-EGU).³ If finalized, the non-EGU emissions requirements would make this rulemaking significantly broader in scope from previous transport rules, and the NO_x emissions budgets to be established under the Cross-State Air Pollution Rule (CSAPR) trading program would be entirely new for multiple states.

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. Created in 2012, AAPCA represents 48 state and local air pollution control agencies, and senior officials from 21 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of [The Council of State Governments](http://www.councilofstategovernments.org). You can find more information about AAPCA at: www.cleanairact.org.

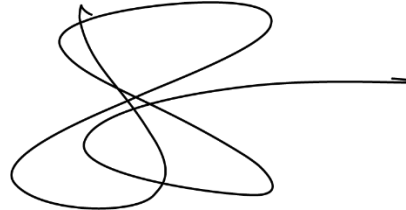
² 87 Fed. Reg. 20036 (April 6, 2022).

³ 87 Fed. Reg. 20039. Non-EGU industries included in the proposal: Reciprocating internal combustion in Pipeline Transportation of Natural Gas sources; kilns in Cement and Cement Product Manufacturing sources; boilers and furnaces in Iron and Steel Mills and Ferroalloy Manufacturing sources; furnaces in Glass and Glass Product Manufacturing sources; and high-emitting equipment and large boilers in Basic Chemical Manufacturing, Petroleum and Coal Products Manufacturing, and Pulp, Paper, and Paperboard Mills.

Receiving and incorporating input from stakeholders is a core component of rulemaking, and sufficient time should be provided for state agencies charged with Clean Air Act implementation. Extending the comment period will allow for the detailed technical and other analyses by states that is required for meaningful feedback. It should also be noted that the comment period on U.S. EPA's proposed interstate transport FIP overlaps significantly with the comment period of the Agency's proposed denial of 19 State Implementation Plans (SIPs) to address interstate transport for the 2015 ozone NAAQS.⁴ Agencies may find difficulty in responding to U.S. EPA's denial of their individual SIP while also evaluating this proposal, which is designed to meet the same Clean Air Act obligations and ozone standard.

Thank you for your consideration of this comment period extension request. If you have any questions, please contact Mr. Jason Sloan, AAPCA's Executive Director, at (859) 244-8043 or jsloan@csg.org.

Sincerely,



Jason Sloan
Executive Director, AAPCA

CC: Ms. Elizabeth Selbst, U.S. EPA Office of Air Quality Planning & Standards (OAQPS)
Ms. Elizabeth Palma, U.S. EPA OAQPS
Mr. Scott Mathias, U.S. EPA OAQPS

⁴ 87 Fed. Reg. 9463; 9484; 9498; 9516; 9533; 9545; 9798; 9838 (February 22, 2022). The comment period ended April 25, 2022.