

July 28, 2021

Mr. Peter Tsirigotis, Director  
Office of Air Quality Planning and Standards  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
109 T.W. Alexander Drive  
Research Triangle Park, NC 27711

Dear Director Tsirigotis,

We are writing to express our concerns regarding EPA's emissions modeling for federal rulemaking and to propose enhanced state and multi-jurisdictional organization (MJO) participation in the EPA air quality modeling process. Our concerns are immediate as EPA prepares for the next modeling runs for an interstate transport rule to address the 2015 ozone national ambient air quality standard (NAAQS).

While the MJO member states value partnering with EPA and view their role as co-regulators with respect to implementation of Clean Air Act (CAA) requirements, the current process that EPA uses to develop national modeling platforms to support federal rulemaking is not adequate for states to participate as co-regulators. States have multiple responsibilities in responding to federal rulemakings, including modification of existing source control requirements in permits, state rulemaking and planning activities, and implementing compliance measures. The lack of transparency and collaboration in the national modeling process used by EPA hinders the states' abilities to respond to federal rules in a manner that is productive, timely, and which improves air quality.

States and MJOs often have emissions data that are more accurate and representative of local and regional emissions. States are also better positioned than EPA to provide the most current information about known, upcoming changes to emissions sources in their jurisdictions, which is particularly important for projections of future year air quality. EPA's decision-making process regarding the emissions that are used to support interstate transport rules are not fully understood by the states, nor is there a mechanism for meaningful state input prior to EPA conducting modeling.

In the spirit of state and federal partnership, we believe an enhanced collaboration between states and EPA will result in improved modeling results which will drive positive state actions responsive to air quality problems nationally. We recommend that EPA share with states and MJOs its proposed emissions modeling and air quality modeling protocols, including the protocol for projecting future emissions, prior to initiating the modeling process. The sharing of these protocols is appropriate as the states are not simply additional stakeholders in the process, but in fact, the states are co-regulators with EPA. States must be able to review protocols and provide meaningful comments to EPA where changes are needed. EPA must, in turn, respond to the state comments in a response-to-comments document so that states can determine where and what changes were made to inventory inputs. The states need this information to identify how to leverage the EPA air quality modeling evaluation and analysis results as co-regulators and implementers of Clean Air Act rules.

Timeliness of modeling results in support of interstate transport rules is also a key consideration. The CAA sets statutory deadlines that nonattainment areas must meet. Interstate transport rules must be developed with the attainment deadlines in mind. States can foster a smoother and more timely rule

development process if early and robust exchanges of inventory information occur as part of the process.

Collaborating on the modeling process in this way will lead to improved modeling and broaden the utility of emissions and air quality modeling results. The implications of the current system in which EPA builds emissions modeling platforms without direct input from the states may result in incorrect assessments of necessary emissions controls or incorrect identification of the causes of air quality issues. With a more collaborative modeling process, errors and conflicts among regulators caused by EPA assumptions in modeling platform configurations and modeling results interpretation could be reduced or eliminated, leading to more efficient implementation of needed emissions controls.

The shared responsibility for clean air between states and the federal government in areas aside from emissions inventory and air quality modeling has been an integral part of the success of the CAA over the past several decades. The state and federal partnership under the CAA has resulted in reduced emissions and steadily improving air quality while the United States achieved significant economic growth. It is time for us to collaborate effectively together to improve emissions inventory decision making prior to the completion of EPA modeling runs.

The upcoming interstate transport rule to address the 2015 ozone NAAQS provide a perfect instance to pilot a new process for state input. Should the pilot be successful, we urge you to provide meaningful opportunities to consult with and actively solicit input on emissions inventory decision making in the future for the common good of air quality nationally.

Sincerely,

Mary A. Uhl, Executive Director, WESTAR



Zac Adelman, Executive Director, LADCO



Chad LaFontaine, Executive Director, Metro 4/SESARM



Michael Vince, Executive Director, CENSARA



Marc Allen Robert Cone P.E., Executive Director

