

Metropolitan Washington Air Quality Committee

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DATE, 2010

EPA Docket Center No. EPA-HQ-OAR-2009-0491
United States Environmental Protection Agency
Mail Code 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

I am writing on behalf of the Metropolitan Washington Air Quality Committee (MWAQC) regarding EPA's Proposed Transport Rule. MWAQC is certified by the governors of Maryland and Virginia and the mayor of the District of Columbia to develop regional air pollution control strategies for the Washington, DC-MD-VA region.

MWAQC supports the proposal to provide a remedy to the challenges faced by states under Section 110 of the Clean Air Act in meeting requirements to limit emissions that impact downwind areas. Research conducted in this region continues to show that emissions transported into our region play a significant role in formation of air pollution in our metropolitan area, and unless abated will continue to hinder our efforts to meet National Ambient Air Quality Standards (NAAQS) now and into the future.

We applaud EPA for taking swift action to address the issues raised by the court in its ruling on the Clean Air Interstate Rule (CAIR). As you are aware, our recently submitted State Implementation Plans (SIPs) for ozone and fine particles include reductions from CAIR as a core component of our control strategy and attainment demonstration. Loss of such a key provision would have had serious implications for our ability to control sources in our region as well as count on reductions from upwind sources. Timely implementation of the Transport Rule will be an important step in securing necessary emission reductions included in our SIPs.

However, we are aware that the proposed rule will not establish emission reduction requirements necessary for our region to achieve new more stringent NAAQS for ozone and fine particles expected in the very near future. It will be urgent for EPA to conduct necessary analysis needed to support a new rulemaking to amend the final Transport Rule so that new lower state emission budgets are set at levels that will enable states to meet the new NAAQS. We also urge EPA to advance other new federal initiatives to address emissions during high electricity demand days and to reduce emissions from other sectors that contribute to emissions of air pollutants as well.

While we find that EPA's approach of initially implementing this program through a Federal Implementation Plan (FIP) removes our ability for a traditional state notice and comment process, we understand that this approach may be necessary to ensure reductions occur in a timely manner for NAAQS attainment. We support EPA's proposal to allow states to replace the FIPs with SIPs if they so desire.

MWAQC also supports the proposal to limit interstate emissions trading through assurance provisions requiring states to maintain overall emission levels below the state caps. For regions to meet stringent NAAQS requirements, we must be able to rely on emission reductions occurring at sources that actually impact air quality in the region. While unrestricted interstate trading may assist the regulated community meet emission caps more cost-effectively, trading also removes the necessary impetus for achieving reductions where it may matter most. To that end, we applaud EPA for taking the bold steps needed to ensure this happens.

In the proposal, EPA requested comments on two alternative remedies -- intrastate trading only and specific emission limits for each regulated power plant. MWAQC supports the proposed remedy of state budgets with limited interstate trading. Restricting trading to only intrastate transactions would require development of state-by-state trading programs resulting in a patchwork of systems that would be an inefficient use of state government resources. Source-specific control requirements may be overly burdensome on the regulated community in that it would remove flexibility for sources to install controls where it may make most economic or logistical sense at any given time.

Thank you for considering our comments about the proposed new Transport Rule to control emissions of NO_x and SO₂ from the utility sector. We look forward to continuing our efforts with your leadership and support to improve air quality in the Mid-Atlantic and metropolitan Washington region.

Sincerely,

Leta Mach, Chair
Metropolitan Washington Air Quality Committee