



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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April 25, 2017

The Honorable John Shimkus
U.S. House of Representatives
Committee on Energy and Commerce
Chairman, Subcommittee on Environment
2125 Rayburn House Office Building
Washington, DC 20515-6115

RE: Responses to Questions for the Record on H.R. 806

Dear Chairman Shimkus:

Thank you for the opportunity to supplement my testimony of Wednesday, March 22, 2017, before the Subcommittee on Environment at the hearing entitled "H.R. 806, Ozone Standards Implementation Act of 2017".

I have reprinted your questions below, with my answers following.

1. *Witnesses noted in testimony that it is unfair that, under current law, local jurisdictions may be subject to penalties for failure to attain standards, even though the failure is due to emissions from sources that are outside the jurisdictions' authority to control.*
 - a. *To assist with our identifying the problem fully, would you provide examples of the types of emissions or pollutants, natural or anthropogenic, that are outside your state's control and that may impede your ability to reach attainment of air quality standards so as to subject you to fees or to other penalties?*
 - b. *Are there circumstances in your view in which relief from penalties may be provided either to local or to state level jurisdictions?*

As stated at the hearing, Maine's air quality is impacted more by emissions outside of our control than most any other state, simply because Maine is geographically located downwind from most of the rest of the United States. For example, it is not uncommon for Maine to monitor exceedances of the ozone standard from time to time during each ozone season (April – September). Staff meteorologists have completed analyses and developed maps showing where transported ozone pollution has originated which has resulted in monitored ozone levels exceeding standards in Maine (See Attachment). Each of the attached maps tracks the wind directions for periods of time prior to an individual exceedance event. This demonstrates where pollution originated and travels

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prior to impacting the Maine coastline. Every monitored exceedance is attributable to pollution transported from beyond Maine's borders with little or no contributions from sources in Maine. These exceedances occurred because the transported pollution plume from metropolitan areas to our south typically travels out over the Gulf of Maine, where on-shore sea breezes drive the ozone-laden air mass to Maine's coastal communities. Maine has no control over the emissions which cause these air masses coming from other states to exceed the ozone standards in Maine. In fact, EPA's most recent modeling completed during the development of the 2015 ozone standard demonstrates that emissions generated in Maine contribute no more than 1.5% of the total of the state's highest monitored ozone levels.

This situation also occurs with transported pollution that travels over large bodies of water and impacts the coasts (termed land-water interface) of Connecticut, Maryland, and Michigan, all of which are experiencing ozone levels that are either in areas which are already designated as non-attainment or are monitoring at non-attainment levels. These land-water interfaces create significant ozone control strategy challenges to Maine and these other states which are overwhelmingly caused by emissions from outside their states.

Over 50% of ozone causing pollution comes from mobile sources (cars, trucks, and non-road vehicles). The federal government and California are the only two regulatory entities in this country to impose emission requirements on the manufacturers of these sources. Maine has no control over emissions from mobile sources, both gasoline and diesel engines.

Additionally, states into which overwhelming transport is documented should be provided relief from regulatory sanctions for not attaining the ozone standard. Currently, Maine can demonstrate that overwhelming transport is occurring but cannot obtain regulatory relief because the state has a "metropolitan statistical area", Portland, Maine, which has a population greater than 100,000 people. Currently, under the Clean Air Act, because Maine has a metropolitan statistical area, the state is denied regulatory relief even though it does not significantly contribute to ozone exceedances. Situations such as this deserve relief from the imposition of sanctions, penalties, and additional regulatory burdens.

- 2. Hearing testimony raised concerns about the quality of modeling data. When promulgating nonattainment designation in air quality control regions, should the Administrator base such designations on modeling predictions that do not incorporate state/local air agency input in lieu of the state's air quality monitoring data?*

The administrator should base nonattainment designations strictly on state's air quality monitoring data, where available. For any modeling that EPA undertakes for other SIP-related actions, EPA should always incorporate state/local air agency input.

3. *Are there any other considerations we should take into account concerning H.R. 806 that you believe we did not cover sufficiently in the hearing?*

Maine supports the fact that an application received for processing should be subject to the rules in place at the time of acceptance. Thus, an accepted application that was subject to Best Available Control Technology (BACT) should remain subject to the BACT provisions and other regulatory requirements applicable at time of application acceptance by the permitting agency.

Again, thank you for the opportunity to provide additional information to supplement my testimony. Please do not hesitate to contact me if there are questions or I may be of further assistance to the Committee on Energy and Commerce's Subcommittee on Environment.

Sincerely,



Marc A. R. Cone, P. E.
Maine Department of Environmental Protection



Attachment:

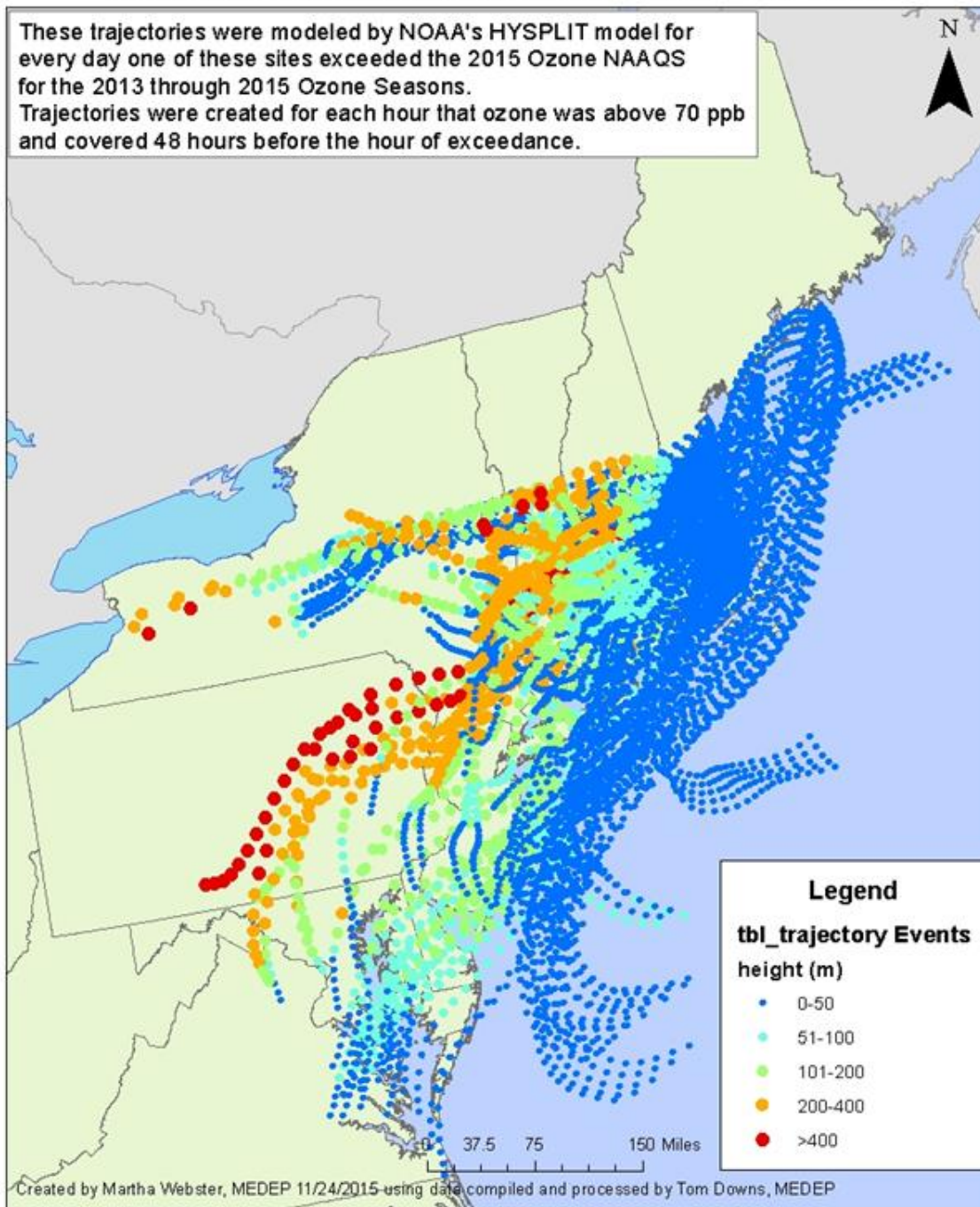
Maps of Back Trajectories for Monitored Ozone Exceedances in Maine

(These demonstrate where the air mass originated 36-48 hours prior to the exceedance and the path the air mass traveled.)

Maps of Back Trajectories for Monitored Ozone Exceedances in Maine

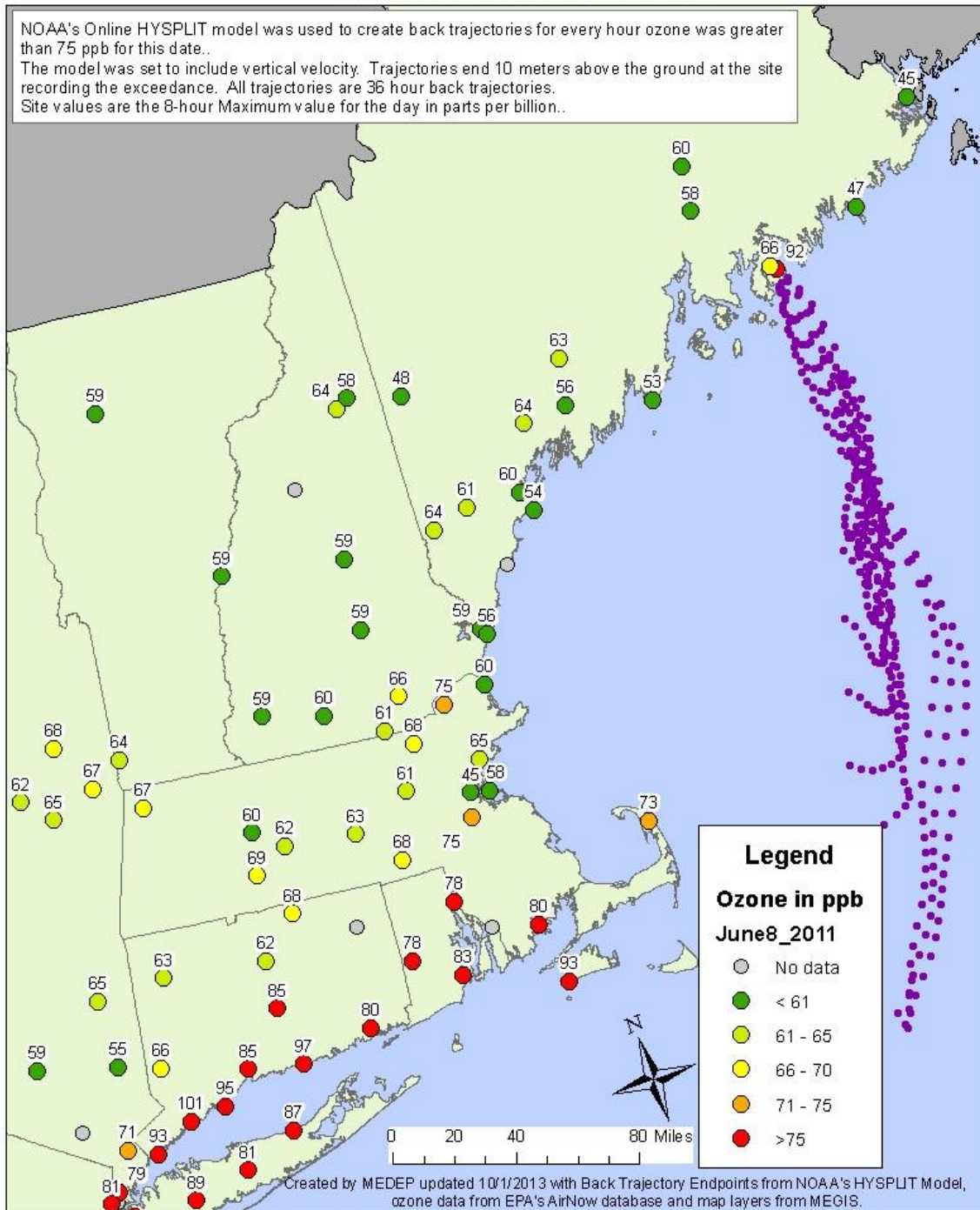
The following map shows 48-hour back trajectories from sites in Maine that had an exceedance of the current 2015 70 parts per billion (ppb) 8-hour Ozone National Ambient Air Quality Standard (NAAQS) during the 2013-15 ozone seasons.

**Back Trajectory Hourly Endpoints
for Maine Sites With Daily Exceedances by height**

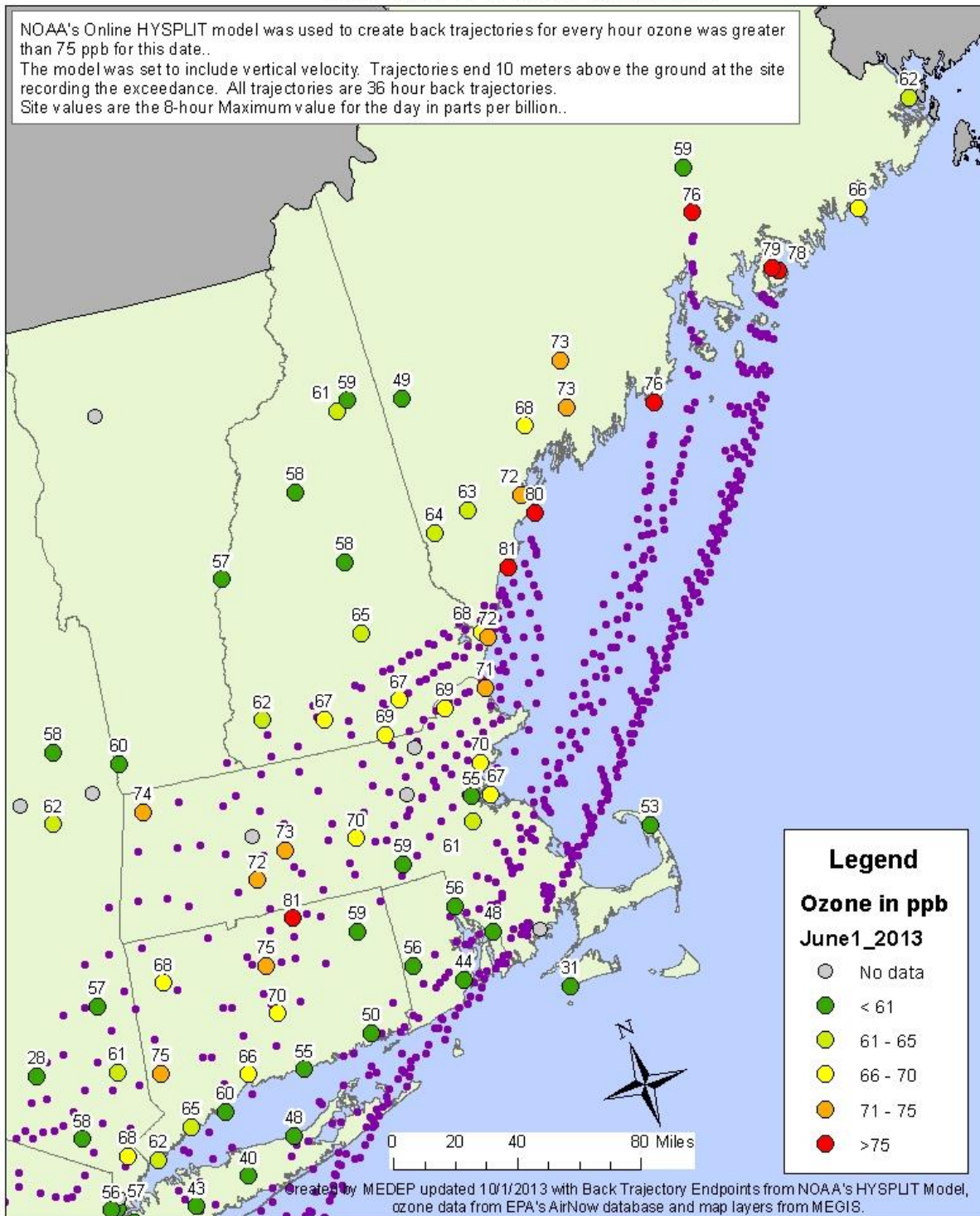


The following maps show 36-hour back trajectories from sites in Maine that had an exceedance of the 2008 75 parts per billion (ppb) 8-hour Ozone National Ambient Air Quality Standard (NAAQS) during the 2011-13 ozone seasons.

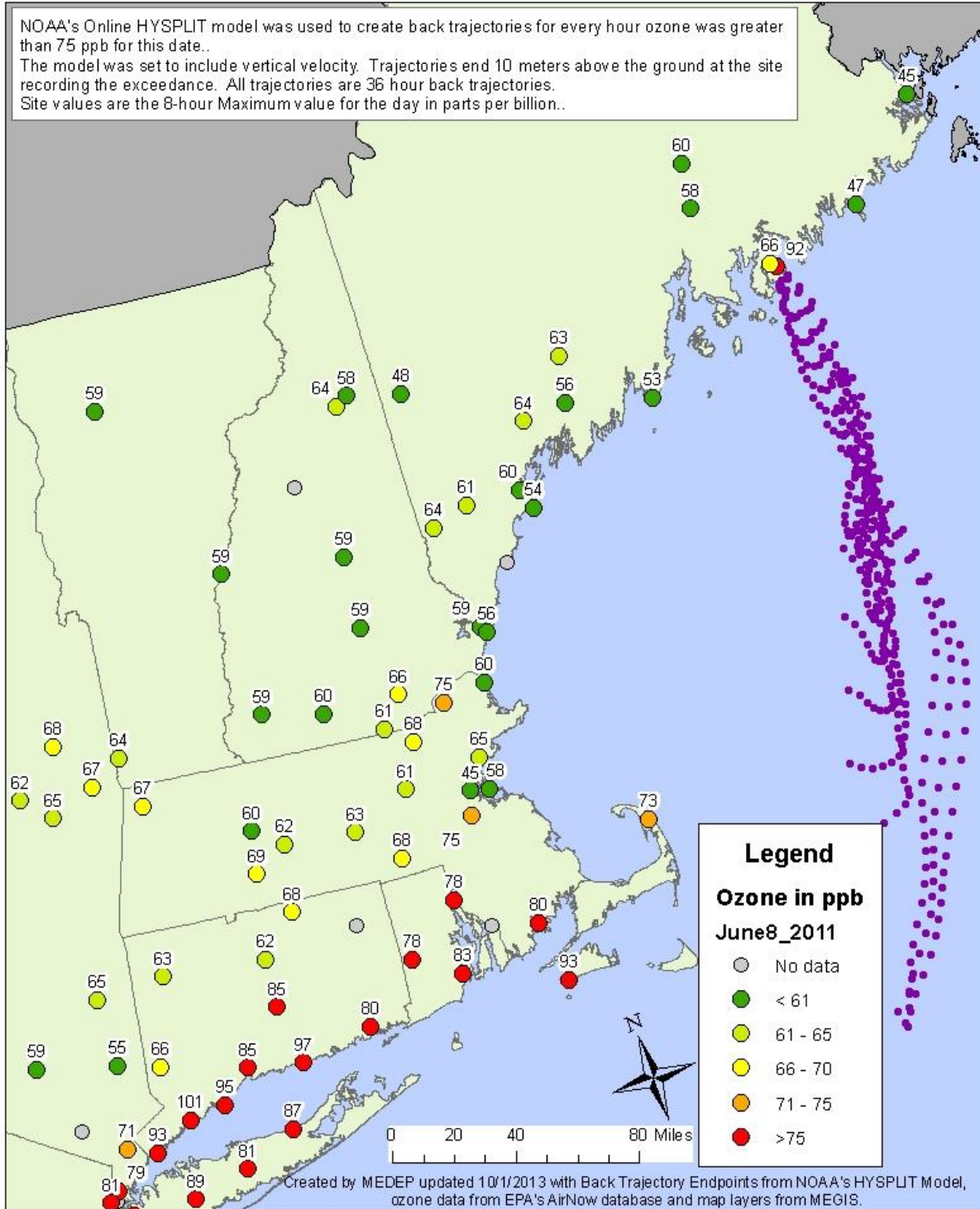
Hourly Endpoints from Back Trajectories for Maine's June 8 2011 Ozone Exceedance



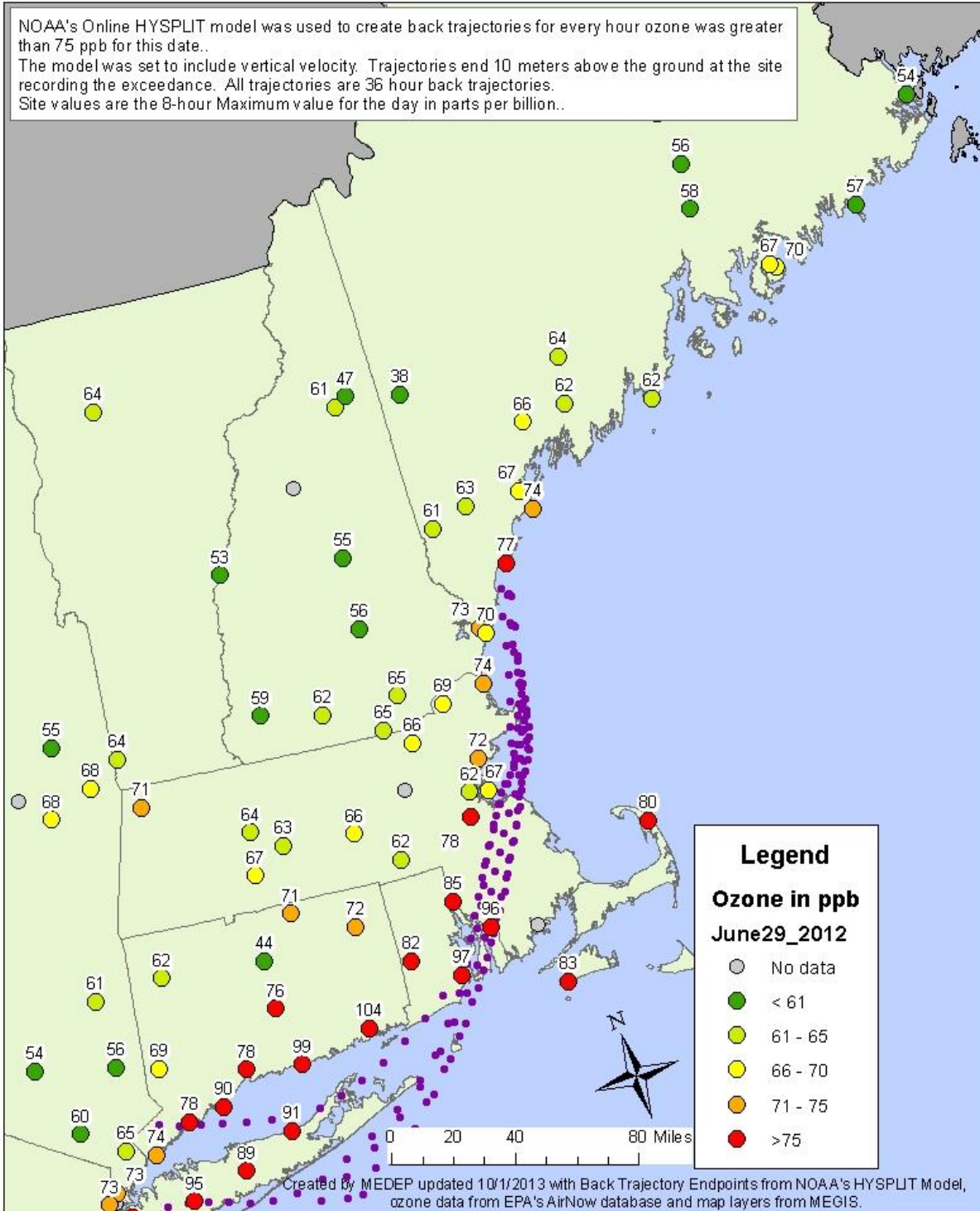
Hourly Endpoints from Back Trajectories for Maine's June 1, 2013 Ozone Exceedance



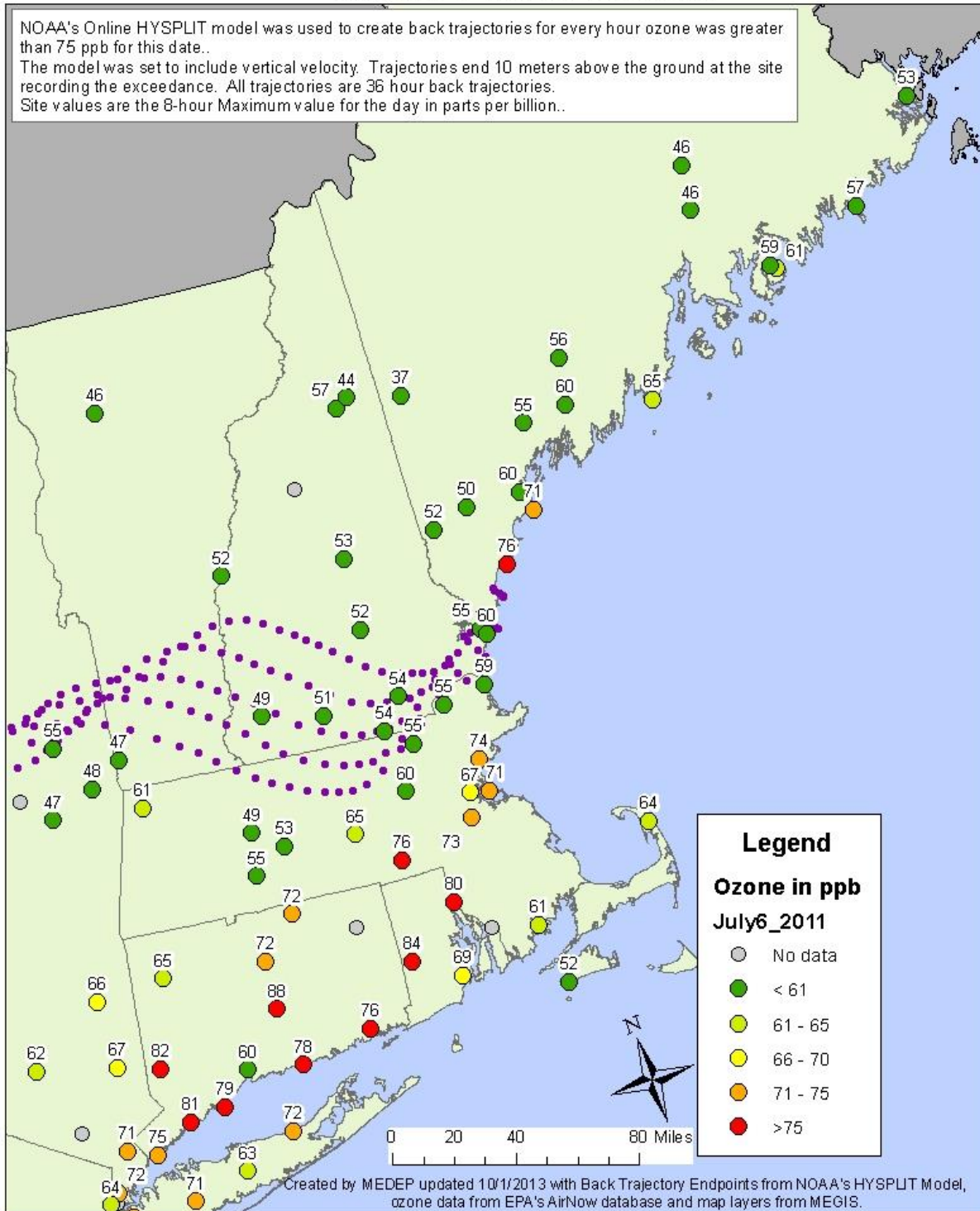
Hourly Endpoints from Back Trajectories for Maine's June 8 2011 Ozone Exceedance



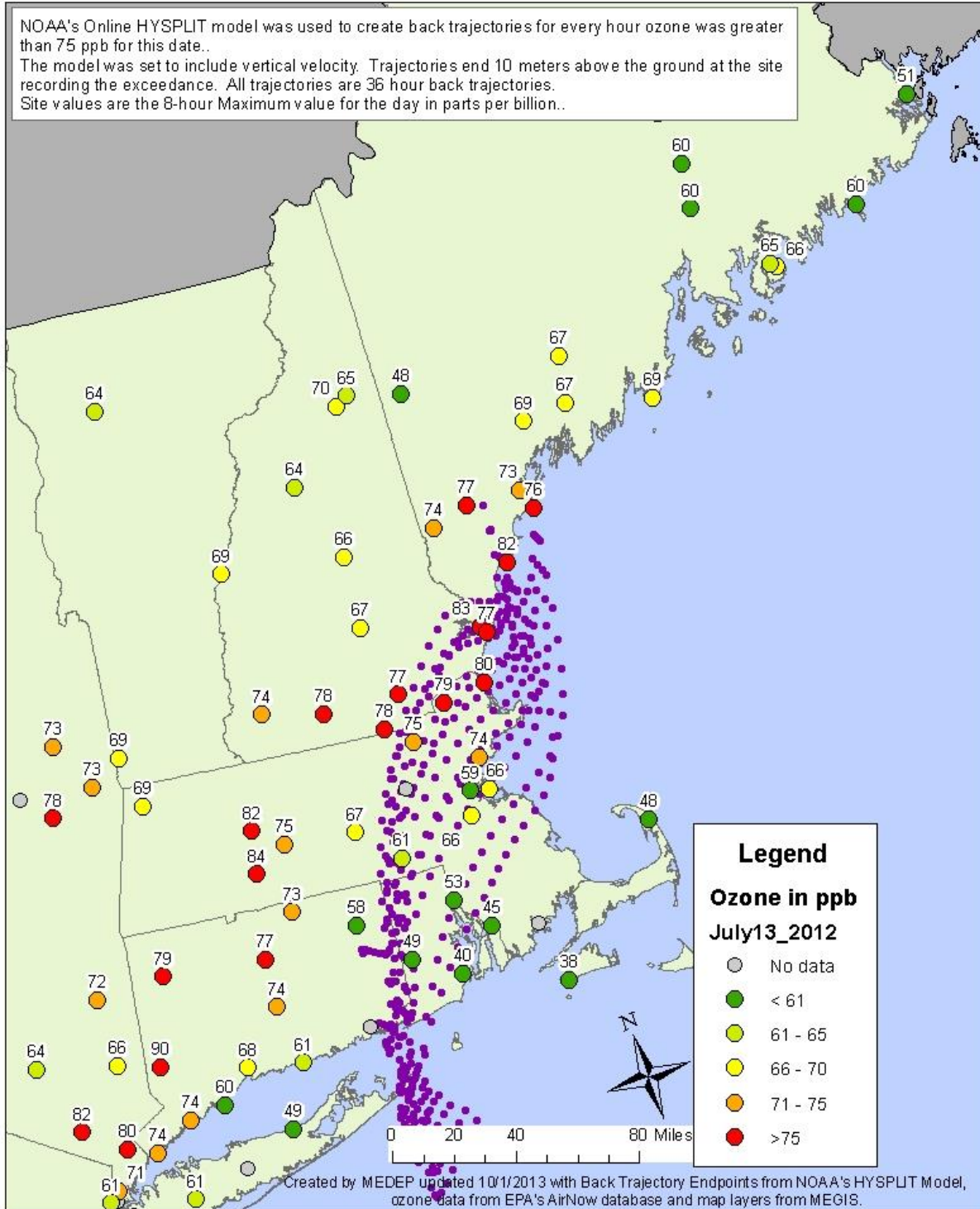
Hourly Endpoints from Back Trajectories for Maine's June 29, 2012 Ozone Exceedance



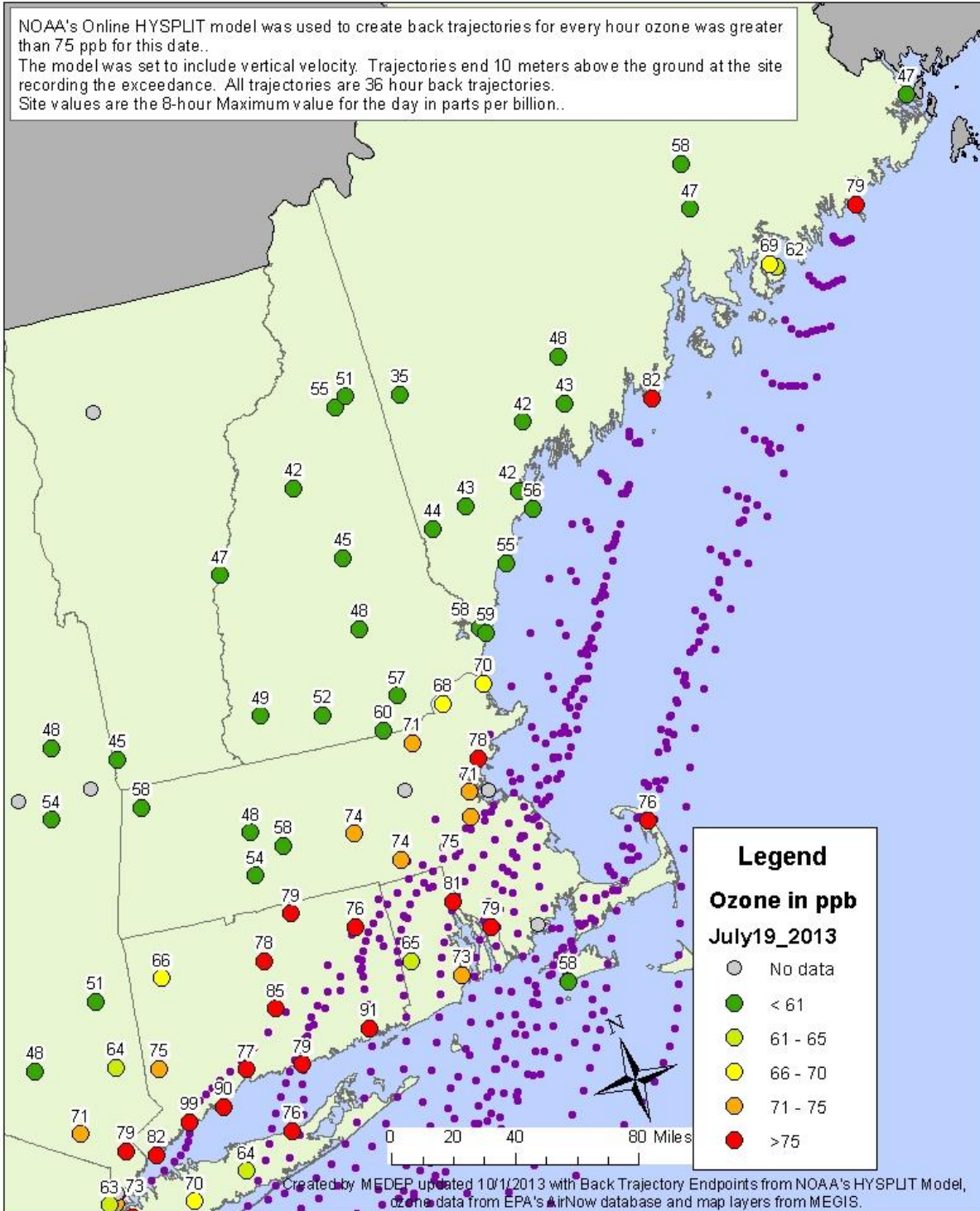
Hourly Endpoints from Back Trajectories for Maine's July 6, 2011 Ozone Exceedance



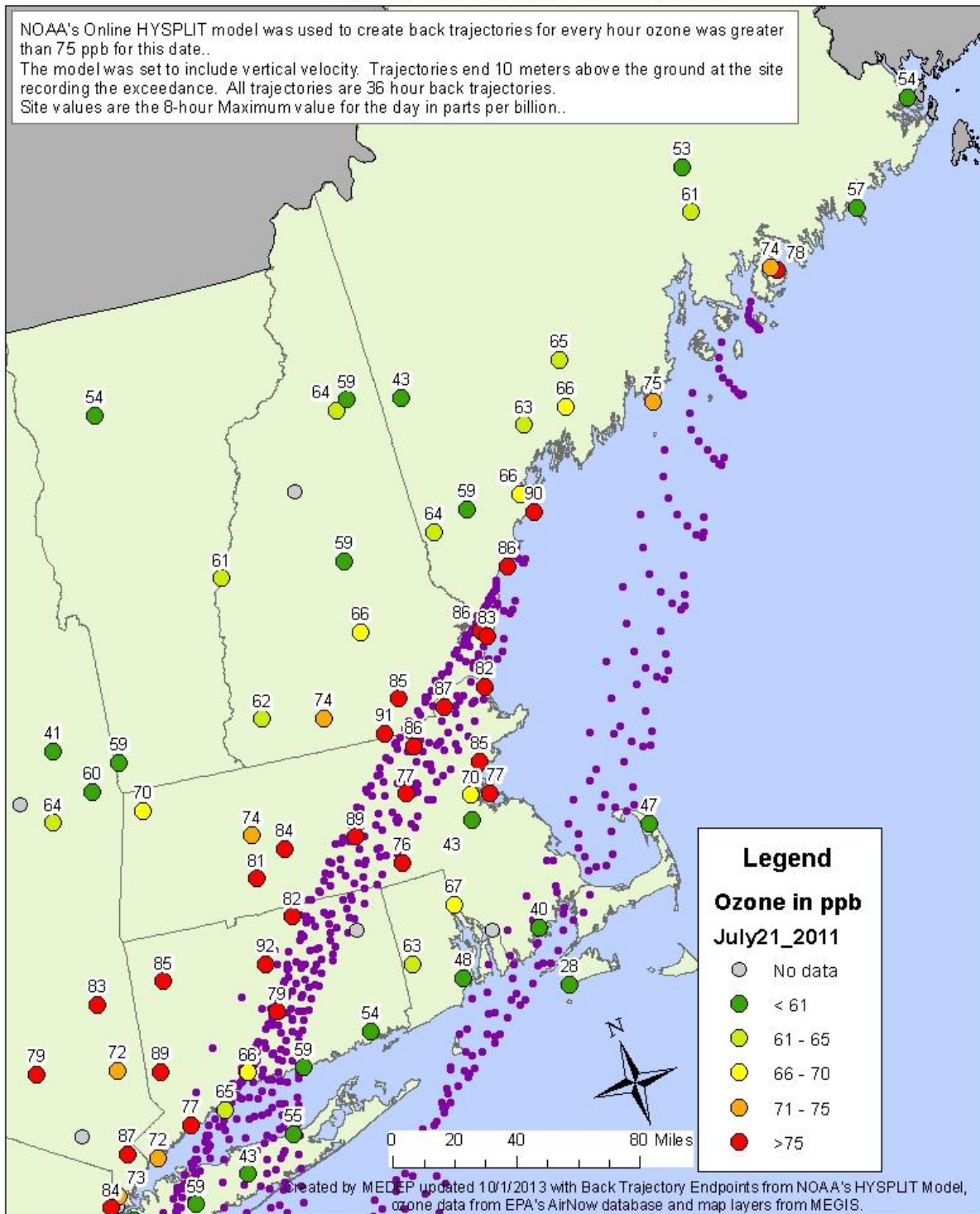
Hourly Endpoints from Back Trajectories for Maine's July 13, 2012 Ozone Exceedance



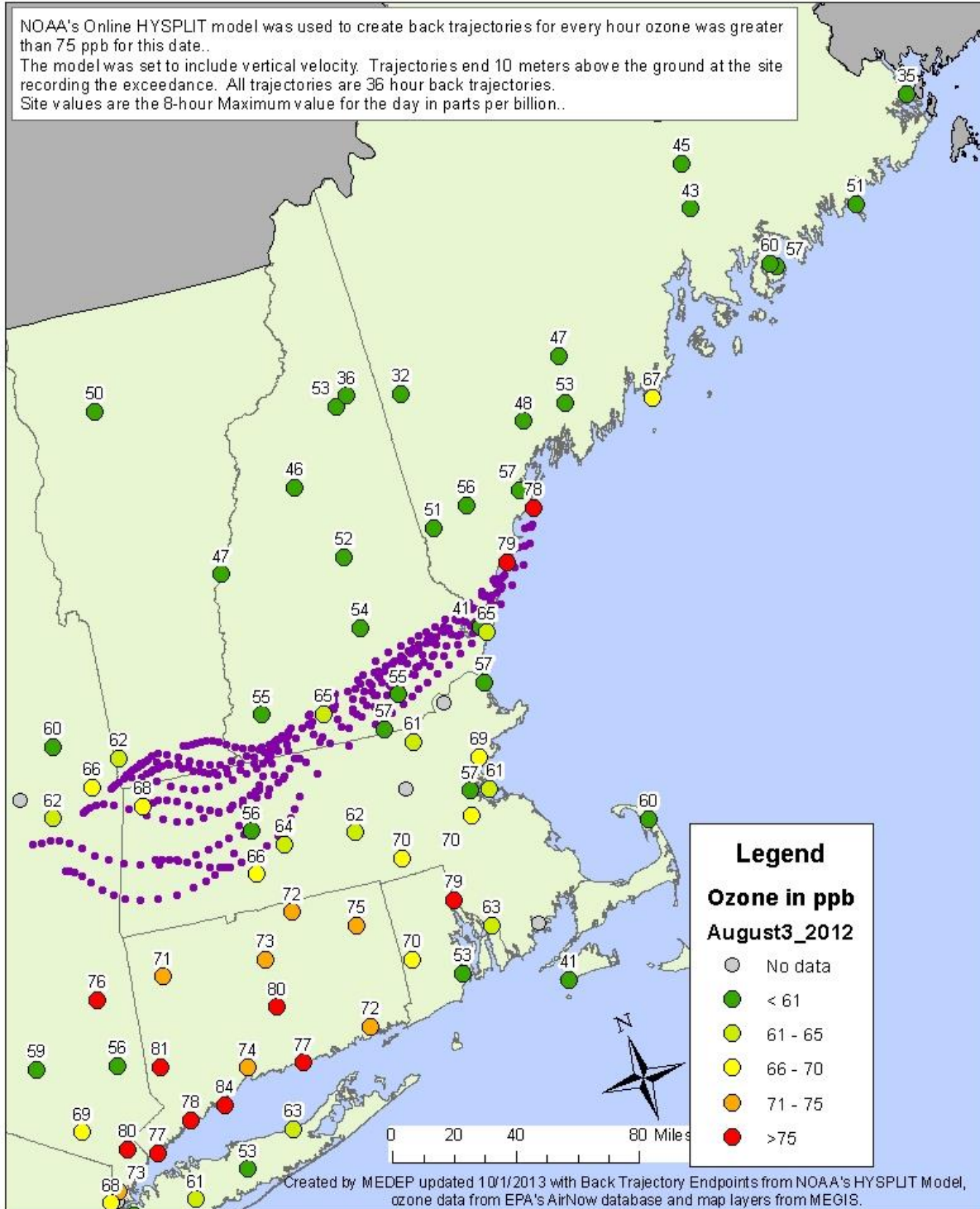
Hourly Endpoints from Back Trajectories for Maine's July 19, 2013 Ozone Exceedance



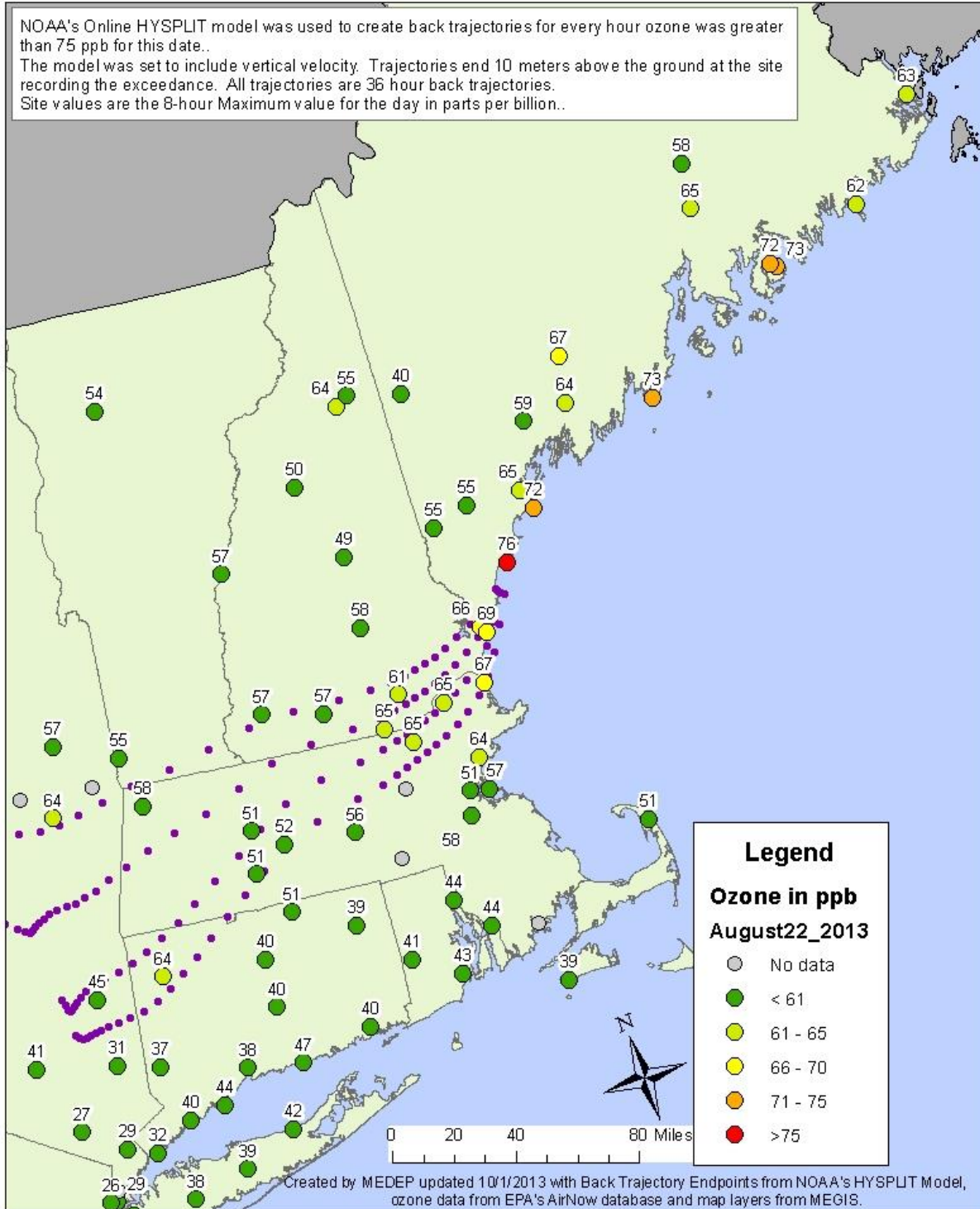
Hourly Endpoints from Back Trajectories for Maine's July 21, 2011 Ozone Exceedance



Hourly Endpoints from Back Trajectories for Maine's August 3, 2012 Ozone Exceedance



Hourly Endpoints from Back Trajectories for Maine's August 22, 2013 Ozone Exceedance



Hourly Endpoints from Back Trajectories for Maine's August 23, 2012 Ozone Exceedance

