

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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April 11, 2017

Mr. Kurt Karperos
Deputy Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Dear Mr. Karperos,

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

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Wednesday, April 26, 2017. Your responses should be mailed to Grace Appelbe, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Grace.Appelbe@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Attachment – Additional Questions for the Record

The Honorable John Shimkus

1. What transportation measures is California considering to meet the 2015 ozone standards?
 - a. Could implementation of plans to meet the 2015 ozone standard necessitate changes in the composition of gasoline?
 - b. If so, what would additional fuel regulations cost consumers on a per gallon basis?
2. Has California estimated the cost of existing fuel regulations aimed at reducing ozone and other emissions on gasoline prices, and, if so, what are its estimates?
3. Will California implement plans to reduce vehicle miles traveled under the 2015 ozone standard?
4. 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 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?

The Honorable Frank Pallone, Jr.

In your written statement you note that "California uses the planning required by the Act to minimize costs."

1. Please elaborate on how this has been achieved by the state.
2. Please explain how H.R. 806 would increase costs in the long-term.

In your written statement you mention that the California Air Resources Board (CARB) will meet to consider plans to provide the pollution reductions necessary to meet the 2008 and 2015 ozone standards. Since the March 22, 2017, hearing, the board has met and considered these plans.

3. In the plans considered by CARB, please elaborate on the technologies and strategies that will help air districts achieve these goals?

A number of the other witnesses expressed frustration and confusion associated with having to prepare and manage multiple implementation plans for various pollutants, at the same time.

4. In your experience, how can integrated planning alleviate some of this frustration and confusion?

In your written statement you made a few comments about the air quality challenges of the South Coast area. That the nonattainment issues are “more challenging, but progress there is also remarkable.”

5. Could you please describe the unique challenges of this area, and some of the techniques and strategies used to make such progress?

The Honorable Debbie Dingell

I have several concerns with this bill, but I want to focus on the problems in section 3(d). This section undermines decades of Clean Air Act practice and weakens air quality protections.

The Clean Air Act requires a large new or expanding industrial facility to get an air pollution permit before starting construction. The facility must commit to install pollution controls, and it must demonstrate that its emissions won't produce unhealthy levels of air pollution in the area. If the facility's pollution would cause the area to violate an air pollution standard, then the facility must do more to reduce or offset its emissions.

But section 3(d) of the bill before us creates a loophole in the law. If EPA fails to meet new procedural requirements, the bill would allow a facility to get a permit by measuring its emissions against an outdated, less protective air quality standard. Previous witnesses have referred to this as “amnesty.”

1. Mr. Karperos, what is the practical effect of allowing a new facility to be permitted under an outdated standard?
2. What are the public health implications of exempting new or modified facilities from more protective air quality standards?

This bill doesn't only harm public health – it also hurts industry. The section 3(d) shifts the burden of air quality improvements from new to existing industrial facilities. As a result, it raises the overall costs of pollution controls.

3. Mr. Karperos, how will this affect existing industrial sources in your state, particularly if a new facility pushes an area into violation of the air quality standards?

Thank you. I do not think forcing existing sources to clean up more than their fair share of pollution, while allowing new sources off the hook makes any sense. This goes against a key principle of the Clean Air Act, which requires new sources to do more because they will be around longer and it's a lot more cost-effective to put in pollution controls up front.

4. Finally, Mr. Karperos, has your state ever been unable to issue preconstruction permits because EPA had not issued guidance for a new air quality standard? Is this a situation that states have the ability to handle?

Well, section 3(d) of the bill assumes that it's a huge problem if EPA does not issue rules and guidance at the same time as a new air quality standard. So the bill allows a facility to obtain a preconstruction permit pegged to an old air quality standard, if EPA hasn't issued rules and guidance.

The Clean Air Act works. It protects public health, holds polluters responsible, fosters a state-federal partnership, and produces cost-effective pollution control. As far as I can tell, this bill would do none of those things.