



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

February 24, 2020

Mr. Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460
Wheeler.Andrew@epa.gov

RE: *Petition to remove portions of the State of Maine from the Ozone Transport Region under the authority of CAA § 176A(a)(2)*

Dear Administrator Wheeler,

The State of Maine is hereby petitioning the U.S. Environmental Protection Agency (EPA) pursuant to Clean Air Act (CAA) Section 176A(a)(2) for the removal of certain areas of the State from the Ozone Transport Region (OTR).

Congress created the Ozone Transport Commission (OTC) to develop regional control requirements for ozone and ozone precursor emissions to better address regional ozone transport across state boundaries. OTC control strategies are effectively equivalent to those required for designated ozone non-attainment areas, even though portions of the OTC are, in fact, designated ozone attainment areas. Regional control requirements within the OTR are effectively equivalent to those required for designated ozone non-attainment areas, even though portions of the OTC are, in fact, designated ozone attainment areas and neither contribute to nonattainment nor interfere with maintenance of the ozone national ambient air quality standards in downwind areas.

Since Maine has attained the ozone NAAQS since 2006, the Department is proposing to remove portions of the state from the OTR pursuant to CAA Section 176A(a)(2), which states that EPA's Administrator may remove any state or portion of a state from the OTR whenever control of emissions in that state or portion of the state will "not significantly contribute to the attainment of the standard in any area in the region." The Department's CAA Section 176A(a)(2) petition is based on a technical demonstration that emissions from northern and eastern Maine are not significant contributors to ozone nonattainment in other states nor do they interfere with maintenance of the ozone NAAQS in those Maine municipalities that will remain in the OTR.

It is my pleasure to submit this Clean Air Act § 176A(a)(2) petition for EPA approval. The draft petition was posted for public comment on November 8, 2019 and a public hearing on the petition was held by the Maine Board of Environmental Protection on December 12, 2019. The Department did not make any substantive revisions pursuant to public comments, but incorporated several changes as suggested during a consultation with EPA. On February 6, 2020, the Maine Board of Environmental Protection voted to authorize the submission of this petition.



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If you have any questions, please feel free to contact Commissioner Gerald Reid of the Maine Department of Environmental Protection.

Sincerely,



Janet T. Mills
Governor

Enclosures

State of Maine Clean Air Act § 176A(a)(2) Petition
Responses to Comments
Electronic File of Commenters and Comments

CC

Anne Idsal, Principal Deputy Assistant Administrator, Office of Air and Radiation, U.S. EPA
Dennis Deziel, Regional Administrator, U.S. EPA Region 1
Lynne Hamjian, Acting Director, Air and Radiation Division, U.S. EPA Region 1 (electronic)
Gerald D. Reid, Commissioner, Maine DEP



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