



September 15, 2020

Anne Austin, Principal Deputy Assistant Administrator
U.S. Environmental Protection Agency, Office of Air and Radiation
Mail Code 6101A
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Principal Deputy Assistant Administrator Austin:

The Ozone Transport Commission (OTC) is writing you to express our concern with the U.S. Environmental Protection Agency's (EPA's) delay in holding a public hearing on our Clean Air Act (CAA) section 184(c) recommendation. EPA indicated it received the recommendation from the OTC¹ on June 8, 2020 [85 Fed. Reg. 41972 (July 13, 2020)]. EPA also indicated it would hold a virtual public hearing within 90 days of receiving the recommendation, or by September 4, 2020. CAA section 184(c) explicitly requires EPA to hold a public hearing within 90 days of the recommendation's receipt.

On August 20, EPA announced that it would be delaying the hearing date "until after a notice with additional information is published in the Federal Register."² The announcement provides no indication of when that published notice will appear. It is now past September 4, and the required public hearing within 90 days is also past due.

The OTC continues to urge EPA to promptly and fully address interstate transport of ozone and its precursors so that our nonattainment areas can achieve air quality standards by the statutorily-required attainment dates. To this end, we request that EPA provide the OTC with a specific timeline for moving forward in considering our 184(c) recommendation, and an expression of the Agency's commitment to make a decision on the recommendation within the nine month period required under CAA section 184(c).

Sincerely,

Terrence Gray, P.E.
Deputy Director for Environmental Protection
Rhode Island Department of Environmental Management
OTC Chair

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cc: OTC Commissioners and Air Directors
U.S. EPA Regional Administrators, Regions I, II, and III
Chris Grundler, Reid Harvey, Beth Murray, EPA OAP

¹ We note that the OTC section 184(c) recommendation is supported by a clear majority of the OTC members, but it did not receive unanimous support from all members.

² Ozone Transport Commission (OTC) Section 184(c) Recommendation, <https://www.epa.gov/interstate-air-pollution-transport/ozone-transport-commission-otc-section-184c-recommendation>.