



**OZONE
TRANSPORT
COMMISSION**

March 18, 2011

Honorable Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Connecticut

RE: OTC Request for an Advanced Notice of Proposed Rulemaking for the second Clean Air Transport Rule

Delaware

Dear Administrator Jackson:

District of Columbia

On behalf of the states that comprise the Ozone Transport Region, and in our continued support of mutual cooperation between the Ozone Transport Commission (OTC) and the United States Environmental Protection Agency (EPA), the OTC requests that EPA consider issuing an Advanced Notice of Proposed Rulemaking (ANPR) for the upcoming second Clean Air Transport Rule.

Maine

Maryland

In December the OTC Air Directors met with staff of EPA's Office of Air Quality Planning and Standards to discuss EPA's efforts to develop the second Clean Air Transport Rule, in anticipation of promulgation of the reconsidered ozone standard. In the course of our discussions we raised several concerns about ensuring that EPA's forthcoming rulemaking is based on the best possible, highest quality, available data. The OTC anticipates that the second Clean Air Transport Rule will include additional requirements for Electricity Generating Units (EGUs) and for other categories of sources; given past difficulties in developing base and predicted EGU emissions for the first Clean Air Transport Rule, the OTC strongly believes that early public review of the databases EPA plans on using in its rulemaking process is critical.

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

While we are mindful that issuing an ANPR might delay the proposal of the second Clean Air Transport Rule, it is the OTC's belief that the use of an ANPR could end up resulting in a quicker overall process. It is our experience that when there are complex and possibly controversial proposed rules, the use of an ANPR can and often does help in getting a regulation promulgated faster, by providing the potential to avoid litigation and the excessive use of Notices of Data Availability (NODAs) after the initial proposal of the rule.

Rhode Island

Vermont

Virginia

It is after careful consideration that the OTC believes that an ANPR will benefit the overall quality of the data used for the second Clean Air Transport Rule and ultimately lead to a better, more timely and efficient promulgation of the rule. For these reasons we request that EPA consider using an ANPR and certainly at least a NODA for the upcoming second Clean Air Transport Rule. If EPA concludes that a NODA is a more expedient and appropriate method, then we would ask that EPA release that data as soon as possible.

William L. Driscoll
Executive Director

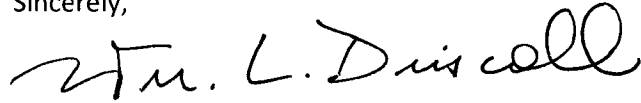
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In sum, we believe that achieving the reconsidered ozone standard will depend heavily on national/regional measures to reduce ozone precursor pollutants in the second Clean Air Transport Rule, and that the most promising path to achieving those measures

includes an early public review of the databases to be used in rulemaking—via an ANPR, or at least a NODA.

Thank you for your consideration of this request as we work to develop strong regional emission reductions to provide clean air, leading to improved health.

Sincerely,

A handwritten signature in black ink that reads "Wm. L. Driscoll". The signature is written in a cursive style with a large, stylized initial "W".

William L. Driscoll
Executive Director

Cc: Gina McCarthy
Steve Page
Janet McCabe