

December 9, 2013

R. Bruce Scott, Commissioner
Kentucky Department for Environmental Protection
300 Fair Oaks Lane
Frankfort, Kentucky 40601

Dear Commissioner Scott:

The undersigned Mid-Atlantic and Northeast state environmental Commissioners write to follow-up to our previous correspondence in late May inviting Kentucky to join the Ozone Transport Commission (OTC). Thank you for your response and your interest in working with us to address ozone transport, which continues to adversely impact air quality in our states. We are encouraged by the emissions reductions achieved by Kentucky, and described in your July 12, 2013 letter, that are helping to reduce ozone and particulate matter transport. These reductions have resulted in reduced ozone, but our region is still measuring transported ozone entering our airshed that is already at levels greater than the current standard and significantly contributing to nonattainment in urban and rural areas within our region. There is clearly more to be done to resolve this important issue. We are committed to continuing to work together in an effort to find solutions to the ozone transport problem.

As you know, our Air Directors have begun collaborative discussions on the technical issues associated with ozone transport. We encourage Kentucky's active participation in those discussions. Moving the collaborative process ahead quickly is a high priority, as exposure to unhealthy levels of ozone continues to be a problem in all of our states. Our objective over the course of the next year, based on our collaborative work, is to identify and reach broad consensus on a set of measures to reduce ozone transport, and to formally memorialize an agreement to move forward with implementation of the measures in a memorandum of agreement or other similar document.

We are committed to this collaborative process, and are hopeful that it will result in a workable, effective solution to the ozone transport problem. Given the uncertainty about the outcome of this process and the urgency of reducing ozone levels in our states, however, we are compelled to pursue all possible avenues to achieve our goals. In this regard, we have submitted a Clean Air Act §176A petition to the U.S. Environmental Protection Agency (EPA) requesting EPA to add your state and eight others to the Ozone Transport Region. A courtesy copy of the Petition is enclosed.

The §176A petition process is one of the tools that Congress provided in the Clean Air Act to address ozone transport. Section 176A requires EPA to solicit public input and make a decision on the Petition within 18 months. In the meantime and independently of the §176A petition process, we look forward to working collaboratively with you and other upwind states to find mutually acceptable solutions to address the impact of transport on air quality in the Northeastern and Mid-Atlantic United States.

Thank you again for your interest in working with us to solve our shared ozone transport problem, and please do not hesitate to call any of us if you wish to discuss these matters further.

Sincerely,



Daniel C. Esty, Connecticut



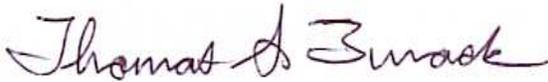
Collin P. O'Mara, Delaware



Robert M. Summers, Ph.D., Maryland



Kenneth L. Kimmell, Massachusetts



Thomas S. Burack, New Hampshire



Joseph J. Martens, New York



Janet Coit, Rhode Island



David K. Mears, Vermont

Enclosure