



June 12, 2019

Mr. Andrew R. Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Mail Code 6102T  
Washington, DC 20460

RE: Comments – Clean Air Act Section 126 (b) Petition from New York – Docket No. EPA-HQ-OAR-2018-0170

Dear Administrator Wheeler:

The Indiana Chamber of Commerce (“Chamber”) is the state’s largest broad-based business advocacy organization. The Chamber has served Indiana’s business community since 1922. The Chamber now serves over 26,000 members and customers annually. The Chamber advocates on behalf of its members in matters affecting Indiana’s business climate including environmental regulation as well as other areas of concern.

We are pleased to provide comments in response to the Environmental Protection Agency’s (EPA’s) request for input on the proposed denial of New York’s petition asking the EPA to determine that more than 350 identified sources in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia emit air pollutants that significantly contribute to problems with New York’s ability to attain and maintain the 2008 and 2015 ozone national ambient air quality standards (NAAQS) in Chautauqua County, New York and the New York City Metropolitan Area. The request is identified by Docket ID No. EPA- HQ-OAR-2018-0170 (84 Fed. Reg. 22787, May 20, 2019).

The Chamber supports of the EPA’s proposed rejection of the petition by the state of New York. We agree with EPA that New York has not satisfied its burden in demonstrating sources in these states are contributing to non-attainment for ozone within New York state. Existing state and federal regulatory requirements are working sufficiently in furtherance of the historic decrease in ambient air quality concentrations of criteria pollutants. New York’s petition is a

significant departure from the design, intent and past implementation of the Clean Air Act (CAA). The petition seeks the imposition of significantly more stringent emissions limits on more than 340 stationary sources, including energy infrastructure, manufacturing and power plants, despite the identified New York regions' being projected to come into attainment with both the 2008 and 2015 ozone NAAQS in the coming years. CAA Section 126 requires a petitioning state to demonstrate that there are actionable attainment issues within that state. The petition does not adequately demonstrate that there are any such issues, nor does it establish a link between any non-attainment New York county and any one or more particular upwind sources. Notably, the petition uses antiquated data that does not recognize the continued and significant reductions in emissions of ozone precursors that have occurred in recent years. According to EPA Air Markets Program Data, Indiana has reduced NOx emissions by 57,519.972 tons or 47.6% between 2011 and 2017.

As the EPA notes in its proposed response, New York state has failed to demonstrate its counties and metropolitan regions will have trouble attaining the 2008 or 2015 standards due to the identified upwind sources. The petition also fails to demonstrate cost-effective emission controls that could be deployed at the 346 identified sources. More broadly and most importantly, New York's petition would likely hamper economic development in Indiana and the other eight states with no meaningful environmental benefit. The more stringent emission limits sought by New York would be burdensome to the important energy and manufacturing bases of our states and indirectly increase costs on the millions of consumers and ratepayers who rely on these significant economic sectors.

The Chamber supports EPA's rejection of New York's petition and applauds its efforts to improve the regulatory process while providing a safe environment for all Americans. Thank you for the opportunity to express our view on this issue. Do not hesitate to contact me via email at [gellis@indianachamber.com](mailto:gellis@indianachamber.com) or via telephone at (317) 264-6881 for any clarification or supplemental information.

Sincerely,

A handwritten signature in black ink that reads "Gregory R. Ellis". The signature is fluid and cursive, with the first name "Gregory" being more prominent than the last name "Ellis".

Gregory R. Ellis

Vice President of Energy, Environment, Infrastructure Policies and Federal Affairs