

Congress of the United States
Washington, DC 20515

June 10, 2015

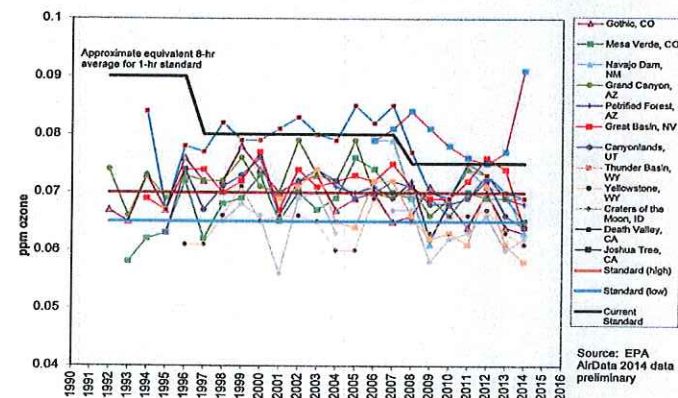
The Honorable Jonathan Jarvis
Director
The National Park Service
1849 C Street, NW
Washington, D.C. 20240

Dear Director Jarvis:

On October 1, 2015, the Environmental Protection Agency is expected to finalize a regulatory proposal to lower the existing 75 parts per billion (ppb) ozone National Ambient Air Quality Standard (ozone NAAQS) to 65-70 ppb. In addition to imposing billions in new costs on cities across the country, an unheralded element of the proposed ozone standard is its potential impact on rural areas and our national parks.

Many states commenting on the proposed rule have raised concerns that the standards may be unachievable due to their proximity to ozone background levels. Support for this concern can be seen in the figure below¹ that shows ozone levels in many rural areas and parks remain above the proposed standards despite years of stringent new controls on stationary and mobile sources.

FIGURE 3. Fourth High, Daily Maximum Ozone Values at Rural Monitors



Source: Colleen Delaney, Utah DEQ, February 18, 2015 email.

In fact, initial estimates compiled by the Forest Service show that the number of acres in national parks in nonattainment may more than double from 5 million acres to over 11 million acres if the standard is lowered to 70 ppb – the upper end of EPA’s proposed rule. While the

¹ Western States Air Resources Council, comments to House Science, Space, and Technology Committee, pg 13, 16 March, 2015. TS.

lack of air quality monitoring may have prevented these areas in the past from being formally classified as nonattainment, this will change due in part due to EPA's decision in 2011 to make the Agency's Clean Air Status and Trends Network (CASTNET) monitors regulatory compliant. As EPA notes, most CASTNET sites are located in rural or remote locations away from pollutant emission sources and heavily populated areas.² According to EPA, The National Park Service (NPS) operates more than 20 CASTNET sites within national parks and Class 1 areas.

The classification of parks as nonattainment areas under EPA's final ozone standard will trigger a number of control requirements under the Clean Air Act (CAA), including the development of a baseline emission inventory, new source review controls and permitting requirements, new obligations to achieve emission offsets, and the development of a state implementation plan. The nonattainment classification will also importantly trigger Transportation and General Conformity requirements under Section 176 of the CAA to assure that federal agencies do not "engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to an implementation plan."³ A conformity determination must demonstrate that implementation of any project will not cause any new violations of the air quality standard, increase the frequency or severity of violations of the standard, or delay timely attainment of the standard or any interim milestone.

We note that in the past, the NPS response to a park nonattainment designation has been to request even larger nonattainment designations to help shift the emission control burden on to sources outside the park. While we agree that manmade sources outside the park should be appropriately evaluated, emission sources inside the parks cannot and should not escape scrutiny or compliance with the requirements of the CAA. In the operation of national parks, these strictures could affect a broad number of federal actions and management decisions that must now be evaluated against a motor vehicle emission budget and the overall goals of the state plan to identify sufficient emission reductions to bring the area into attainment.

In order to assist the Committees with their oversight, please produce the following documents, in electronic format:

- All documents and information on which national parks are currently classified as nonattainment areas based on current monitoring data as well as how many additional parks could be classified as a nonattainment area if EPA finalizes a 70 ppb, 65 ppb or 60 ppb standard. Also, please comment if you agree with the USFS initial estimates of the millions of acres in park service land that would be impacted.
- All documents and communication regarding NPS's position whether EPA's proposed standards are close to background ozone levels and the basis of how NPS makes this judgment.
- All documents and information on which national parks are currently subject to ozone maintenance plans.

² EPA, *Clean Air Status and Trends Network (CASTNET) 2012 Annual Report*, pg 5

³ <http://www.epa.gov/otaq/stateresources/transconf/regs/caasec176c.pdf>, pg 1

- All documents and information of all existing emission inventories, maintenance plans and nonattainment plans for US parks to comply with the current ozone NAAQS.
- All documents and information on the primary sources of ozone related emissions inside the parks and the steps the NPS has taken to reduce emissions inside the parks. Please list all nitrogen oxide (NOx) and volatile organic compound (VOC) emission producing equipment currently used in the parks.
- All documents and communications referring or related to NPS's ability to achieve the lower ozone standards at existing parks without having to close or limit the public's access to the parks. Please list what analyses the NPS conducts to make this determination.
- All documents and communications related to NPS's responsibility for the development of a baseline emission inventory of emission sources with the park, if EPA classifies a national park as a non-attainment area in addition to all documents and communications on NPS's interpretation of its obligations under the general conformity requirements of the CAA, specifically the daily activities and decisions that the NPS interprets as being covered under the CAA's Section 176 prohibition against any federal agency engaging in, supporting in any way or providing financial assistance for, the licensing or permitting, or approval, of any activity which does not conform to an implementation plan. Please state how the NPS will assure compliance.
- All documents and communications related to how the NPS will work with states in developing appropriate implementation plans that address national parks.
- All documents and information on approximately how many fires occur on national park lands annually. Please also provide all documents and communications related to how the NPS has conducted an analysis to determine their contribution to ozone values in the parks. Please provide all documentation related to the extent man-made emission sources outside the parks are being asked to reduce emissions in order to compensate for ozone created by fires.

When producing documents to the Committees, please deliver them to the following locations:

- Majority Staff of the House Committee on Natural Resources in 1324 Longworth House Office Building; and
- Minority Staff of the House Committee on Natural Resources in 1329 Longworth House Office Building; and
- Majority Staff of the House Science Committee in Room 2321 of the Rayburn House Office Building; and,


- Minority Staff of the House Science Committee in Room 394 of the Ford House Office Building

The Committees appreciate your input on these important questions. Please respond no later than June 24, 2015. If you have any questions, please contact staff at the Committee on Science, Space, and Technology at (202) 225-6371 or staff at the Committee on Natural Resources at (202) 225-2761.

Sincerely,



Lamar Smith
Chairman
Science, Space, and Technology



Rob Bishop
Chairman
Natural Resources



Jim Bridenstine
Chairman
Environment Subcommittee
Science, Space, and Technology

cc: The Honorable Eddie Bernice Johnson, Ranking Minority Member, House Committee on Science, Space, and Technology

The Honorable Raul Grijalva, Ranking Minority Member, House Committee on Natural Resources