UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 24, 2019

THE ADMINISTRATOR

Ms. Mary D. Nichols
Chair
California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, California 95812

Dear Ms. Nichols:

The U.S. Environmental Protection Agency and California Air Resources Board play a critical role in protecting public health through implementing National Ambient Air Quality Standards under the federal *Clean Air Act*. In particular, the state of California facilitates the submittal of State Implementation Plans from its 35 local air districts with *Clean Air Act* responsibilities.

A SIP is a collection of regulations and documents used by a state, territory or local air district to reduce air pollution in areas that do not meet NAAQS. Failure to carry out this SIP responsibility correctly, including submitting timely and approvable plans to assure attainment of the NAAQS, can put at risk the health and livelihood of millions of Americans. As part of our fundamental *Clean Air Act* responsibilities, I have recommitted the EPA to act quickly to approve or disapprove SIPs and to dramatically reduce the backlog of SIPs nationally.

Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States, with 82 nonattainment areas and 34 million people living in areas that do not meet National Ambient Air Quality Standards – more than twice as many people as any other state in the country. As evidenced by the EPA's recent work on interstate air pollution issues as well as analysis accompanying its rulemakings, California's chronic air quality problems are not the result of cross-state air pollution or this Administration's regulatory reform efforts.

In addition, the state of California represents a disproportionate share of the national list of backlogged SIPs, including roughly one-third of the EPA's overall SIP backlog. California's total portion of the SIP backlog is more than 130 SIPs, with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability, state-requested holds, missing information or resources. For example, these SIPs include key ozone NAAQS attainment plans for the following areas:

- Coachella Valley for 1997 and 2008 ozone NAAQS

ED_003048B_00000091-00001

- Sacramento Metro for 2008 ozone NAAQS
- Western Nevada County for 2008 ozone NAAQS
- Ventura County for 1997 and 2008 ozone NAAQS

We recommend that California withdraw its backlogged and unapprovable SIPs and work with the EPA to develop complete, approvable SIPs. In the event California fails to withdraw them, the EPA will begin the disapproval process consistent with applicable statutory and regulatory requirements.

As you know, if the EPA disapproves a SIP, that triggers statutory clocks for:

- Highway funding sanctions, which could result in a prohibition on federal transportation projects and grants in certain parts of California;
- New Source Review permitting sanctions; and
- A deadline for the issuance of a Federal Implementation Plan.

We certainly want to avoid these statutory triggers, but our foremost concern must be ensuring clean air for all Americans. That is our goal.

To ensure that we are making progress on improving air quality in California, we request a response from CARB by October 10 indicating whether it intends to withdraw these SIPs.

Sincerely,

Andrew R. Wheeler