

Testimony of Nancy E. Vehr, Air Quality Division Administrator

Wyoming Department of Environmental Quality

to the

U.S. Senate Committee on Environment and Public Works

Subcommittee on Clean Air and Nuclear Safety

Hearing on: “Cooperative Federalism Under the Clean Air Act: State Perspectives”

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Room 406 of the Dirksen Senate Office Building

Good morning Senator Barrasso, Chairman Capito, Ranking Member Whitehouse, and members of the Subcommittee. My name is Nancy Vehr. I have the honor and pleasure of serving the great State of Wyoming as the Administrator for the Wyoming Department of Environmental Quality, Air Quality Division. Our Division is responsible for implementing the Clean Air Act and the Air Quality provisions of Wyoming’s Environmental Quality Act. Our Department is an active member of the Environmental Council of States (ECOS), with our Director currently serving as President. Our Division is a member of one national and one regional air quality organization: the Association of Air Pollution Control Agencies (AAPCA), where I serve as Vice-President; and the Western States Air Resource Council (WESTAR) where I also serve as Vice-President. While my testimony may reference these organizations, I am not here to testify on behalf of those organizations. I thank the subcommittee for inviting Wyoming and listening to the Department’s perspective on Cooperative Federalism under the Clean Air Act.

My testimony highlights some of the progress that has been made in the recalibration of state and federal roles which leads to more effective air quality environmental management at a lower cost. Some of the positive examples of cooperative federalism include: disaster planning; increased diverse state participation on EPA Science Advisory Boards - specifically the EPA Board of Scientific Counselors (BOSC), subcommittee on air and energy; and E-Enterprise for the Environment.

My testimony also draws attention to some of the areas that still have room for improvement – where continued advancements in cooperative federalism are still needed. A few of these areas include: Regional Haze; Exceptional Events; and State Implementation Planning.

Introduction to Wyoming:

In order to place my testimony into context for the subcommittee, I would like to share a few of the key relevant characteristics of Wyoming.

Size: Wyoming is the 9th largest state covering 97,814 square miles of land, yet is the least populous of any state at about 584,000 citizens. To put this into perspective, with respect to land, Wyoming is roughly 93 times the size of Rhode Island. However, Wyoming's low population density of about six (6) people per square mile ranks at 49th in the nation. The size of Wyoming's largest county – Sweetwater County – at 10,425 square miles, ranks as the eighth largest county in the nation and is roughly four times as large as the entire state of Delaware. About half of the land in Wyoming is owned and managed by the federal government. Much of Wyoming consists of small rural communities with large expanses in between. In fact, Wyoming only has nine “cities” with populations greater than 10,000 people.

Elevation: Wyoming's mean elevation of 6,700 feet above sea level places us at 2nd in height, with Colorado being the highest. In comparison, the mean elevation of east coast states falls under 1,100 feet.

Natural Resources: Wyoming has been blessed with amazing and abundant natural resources. We are home to Yellowstone and Grand Teton national parks, and other special and scenic places. Our abundant mineral resources provide the nation, our State, and her citizens with revenue and jobs. Our leading industries are energy, tourism, and agriculture. The energy industry is the largest contributor to Wyoming's economy. In 2017, Wyoming ranked 8th in the nation for crude oil production, 6th for natural gas, and leads the nation in the production of coal, bentonite, and trona. Aggregating the production and export of all fossil-based minerals, Wyoming is the number one producer of energy to the nation. In terms of renewable energy, Wyoming also ranks high at 15th in the nation for wind energy production.

Wyoming values the protection of its natural resources. The mission of the Wyoming Department of Environmental Quality is: "To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations." As the Department and the Air Quality Division carry out this mission, we do so in a balanced manner – protecting our natural resources and providing for responsible energy production. As Governor Mead has stated, "It is a false question to ask: Do we want energy production or environmental stewardship?" In Wyoming we must have and do both.

Cooperative Federalism

As Wyoming DEQ Director Parfitt noted last year in comment to the House Science, Space and Technology, Environment Subcommittee on its “Expanding the Role of States in EPA Rulemaking” hearing:

One of the original foundational concepts established to ensure effective public health and environmental outcomes is cooperative federalism. Under this arrangement, congress establishes the law, federal agencies implement the law by establishing national minimum standards, and the states obtain the authority, develop, and implement the programs necessary to achieve or surpass these standards.

Notwithstanding Congress’ original intent, the cooperative relationship shifted over time towards the federal government and away from the states. This shift resulted in the development of one-size-fits-all laws, regulations, policies, and guidance that overrode legitimate state authority and failed to consider the unique geophysical ecological, social, and economic conditions of each state. Mandates, directives, and increasingly prescriptive regulations limited state flexibility in identifying priorities, implementing innovated solutions tailored to local conditions, and achieving operational efficiencies. This meant that states were left to enforce national policies developed without the benefit of any local understanding.

Wyoming is committed to a strong federal-state relationship and looks forward to working with its federal partners in an effective and balanced cooperative federalism approach that provides effective environmental and public health outcomes.

Letter, WDEQ Director Parfitt to Science, Space and Technology Committee (May 22, 2017).

States such as Wyoming, want an effective relationship and partnership with EPA that recognizes states and EPA as co-regulators, co-funders, and partners in a federal environmental protection system. *See* ECOS Resolution 00-1 on Environmental Federalism, March 22, 2018 (revised). State principles for the roles and functions of states and EPA in cooperative federalism, and changes implied by those principles, is reflected in ECOS’ “Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health” (June 2017).

Examples of Continued Advancements Needed in Cooperative Federalism:

1) State Implementation Plan Process

One of the cornerstone measures established by Congress that epitomizes the need for functional cooperative federalism is the State Plan process to improve air quality. State Plans include regulatory and non-regulatory measures that a State implements to achieve the federal air quality standard or objective.

Under this process, EPA sets state plan submittal deadlines and other plan requirements. For example, when EPA revises an ambient standard, it establishes the deadlines by which states must submit plans to meet those standards and demonstrate that the state has sufficient resources and program infrastructure in place to implement the new standard. When cooperative federalism works, EPA communicates early and often with their state counterparts, and timely acts. And, states do the same – tailoring plans to meet objectives given the unique characteristics and challenges facing the state and its air quality. “Cooperative” federalism results in positive air quality outcomes at a lower cost to Wyoming’s citizens and industry.

Over the recent past, however, EPA has shifted that paradigm to the point that many refer to it as “uncooperative” federalism. One reason for this shift is that EPA shifted its “lane” into the “lane” historically occupied by states. EPA’s “lane-shift” does not improve air quality, or allow for innovative measures to address the state’s unique characteristics and challenges.

The Division’s experience is that “uncooperative” federalism delays implementation of state measures designed to improve air quality. “Uncooperative” federalism brings about conflicts, distrust, duplication, delays, unnecessary expenditures, and diversion of resources with little to no air quality benefit. Given the level of effort and time that it takes for states to develop plans, for EPA to approve plans, and the attendant litigation that oftentimes seems to follow

challenging state and or EPA action or inaction; it is not surprising that states, citizens, and industrial sources are frustrated and confused.

State Plan development is a “state-driven air quality planning process.”¹ Under Wyoming’s State Plan process, measures are adopted at the state level and then submitted to the EPA region for approval. Under state law, public comment and input is a key part of the process. What this means, is that Wyoming’s citizens and industry have a voice and participate in the process at the State level. With that level of input and participation, it is not uncommon for the data collection, analysis, rule development, public input, and revision processes at the state level to take a year or more. Oftentimes, the process requires the adoption of state laws or rules.² Under “uncooperative” federalism, affected entities must expend resources to comply with state rules, while at the same time facing uncertainty as to whether the EPA will disregard the state law, move the decision-making marker, and impose a Federal Plan; or simply not act.

One of EPA’s recent improvements is moving from a paper-based State Plan submittal process to an electronic submittal, review, and tracking process referred to as SPeCS (State Plan Electronic Collection System). Among the benefits of EPA’s electronic process are time and cost savings, and improved communication through information and tracking access. As part of EPA’s mid-2017 roll-out to states, Wyoming participated in beta testing, and provided comments and suggestions to improve the system, and recently began submitting State Plans via SPeCS. Wyoming is hopeful that efficiency improvements like this will lead to reduced SIP backlogs and timely action on State Plans.

¹ See AAPCA letter to EPA re: Draft FY 2018 – 2022 EPA Strategic Plan (Docket ID: EPA-HQ-OA-2017-0533) (Oct. 31, 2017).

² For a flowchart of the Division’s rulemaking process, see http://deq.wyoming.gov/media/attachments/Air%20Quality/Rule%20Development/Rulemaking%20Process/AOD-Rule-Development_Rulemaking-Process-Flowchart.pdf

Wyoming has reason to be optimistic given EPA Region 8's action on Wyoming's Plan revision for the Sheridan PM10 moderate nonattainment area. In that action, EPA acted in ten months to determine that the Sheridan, Wyoming, PM10 moderate nonattainment area had attained the 1987 24-hour PM10 standard; and concurrently redesignated the area to attainment and approved Wyoming's Limited Maintenance Plan. 83 Fed. Reg. 14373 (April 4, 2018).

Sheridan had attained the standard almost two decades ago. But as a result of unique set of circumstances, no significant exploration of the possibility of redesignation had occurred until late 2015. At that time, the Division collaborated with the Region and embarked on the State Plan revision process, submitting its Plan revisions to EPA in June, 2017. Seven months later, EPA proposed full approval of Wyoming's request to redesignate the Sheridan PM10 moderate nonattainment area to attainment and Limited Maintenance Plan. 83 Fed. Reg. 4015 (Jan. 29, 2018). And last week, 10 months after submittal, EPA approved Wyoming's request. Given the EPA timeframe that Wyoming had experienced in previous State Plan submittals, the Region's communication with the Division, and timely decision-making are remarkably welcome change, confirming improvements to air quality and public health and removing economic impacts that result from non-attainment.

The Division encourages EPA to continue advancements like this as the cooperative federalism relationship is rebalanced.³ The attendant results will benefit states, including Wyoming's, air quality and her citizens.

2) Regional Haze

Wyoming's citizens treasure the state's magnificent resources and vistas. In the 1977 Clean Air Act amendments, Congress established a goal to restore visibility in national parks and

³ See Letter, Western Governors' Association to EPA Asst. Administrator William Wehrum (Feb. 12, 2018) providing recommendations for improving air quality policy and regulation in the west.

wilderness areas to natural conditions.⁴ Some twenty years later, EPA adopted the Regional Haze Rule. The Rule mandates that states identify and implement pollution control strategies to progress towards “natural” visibility⁵ conditions by 2064. With respect to cooperative federalism, EPA’s Rule set the deadlines and standards. States develop Plans with implementation strategies to meet those deadlines and standards. That process worked and resulted in improved air quality.

However, over the past five to ten years, the process failed – some referred to it as “uncooperative” federalism – instead of approving innovative state plans to improve air quality, EPA often times failed to act or imposed a one-size-fits-all Federal Plan on a state. Wyoming is one of those states in which EPA imposed a Regional Haze Federal Plan that came with a much higher price tag and no added visibility benefit as compared to the State’s Plan.

Some of the pollutants that contribute to haze include sulfur dioxides, nitrogen oxides, and particulate matter. EPA’s Regional Haze Rule required states to develop and submit plans to reduce regional haze emissions. Wyoming submitted its first plan in 2003, and submitted several revisions over the next decade. Wyoming’s Plan achieved significant emission reductions through implementation of Best Available Retrofit Technology (BART) or better-than-BART control strategies. Wyoming’s Plan provided for a reduction of nearly 10,000 tons of nitrogen oxides that would be achieved by the installation of \$100 million in pollution controls. Wyoming’s Plan demonstrated that Wyoming would be on track to meet its progress goals towards improving visibility.

⁴ Class I areas include many of the nation’s largest National Parks and Wilderness Areas. Wyoming is home to seven Class I areas: Bridger Wilderness, Fitzpatrick Wilderness, Grand Teton National Park, North Absaroka Wilderness, Teton Wilderness, Washakie Wilderness, and Yellowstone National Park.

⁵ EPA measures visibility improvement or impairment using a haze index metric known as the “deciview.” Each unit change in deciview represents a change in perception. The approximate threshold for human perception of this change in visibility is at about one full deciview.

Wyoming’s Regional Haze Progress Report submitted to EPA in November 2017, confirms and also demonstrates that visibility has improved and that Wyoming is meeting or exceeding its visibility goals. Wyoming, New Mexico, Utah, and Albuquerque/Bernalillo County participate in a regional haze sulfur dioxide milestone and backstop trading program. The program is a success with actual sulfur dioxide emissions having declined every year since 2003:

Regional Sulfur Dioxide Emissions and Milestone Report Summary

Year	Reported SO ₂ Emissions (tons)	3-Year Milestone Average (tons)
2003	330,679	447,383
2004	337,970	448,259
2005	304,591	446,903
2006	279,134	420,194
2007	273,663	420,637
2008	244,189	378,398
2009	143,704	234,903
2010	131,124	200,722
2011	117,976	200,722
2012	96,246	200,722
2013	101,381	185,795
2014	92,533	170,868
2015	81,454	155,940

Wyoming’s 2017 Regional Haze Progress Report, Table 3.3-1.

Other visibility impairing pollutant emissions have also decreased:

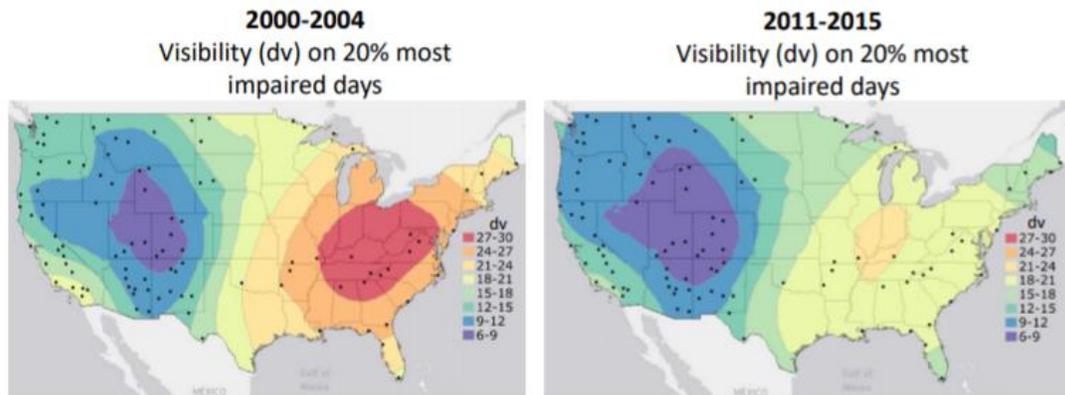
Table 3.3-2 NO_x, Ammonia, VOC, POA, EC, Fine Soil and Coarse Mass Emissions

Emissions (tons/year)	2002 (Plan02d)	2008 (WestJump2008)	Percent Change
Oxides of Nitrogen	287,974	230,678	-57,296 (-20%)
Amonia	33,032	27,024	-6,007 (-18%)
Volatile Organic Compounds	816,904	339,534	-477,370 (-58%)
Primary Organic Aerosol	29,194	25,027	-4,167 (-14%)
Elemental Carbon	8,066	6,105	-1,961 (-24%)
Fine Soil	23,020	55,959	32,940 (>100%)
Coarse Mass	102,660	366,673	264,014 (>100%)

Wyoming’s 2017 Regional Haze Progress Report, Table 3.3-2. Note, the differences in emissions for fine and coarse material is likely due to changes in dust emissions inventory methodology instead of actual emissions. See also § 3.4.3 of Wyoming’s Report describing the impact of wildfire smoke on visibility.

Not surprisingly, EPA also agrees that visibility improved:

First Implementation Period: Visibility is Improving

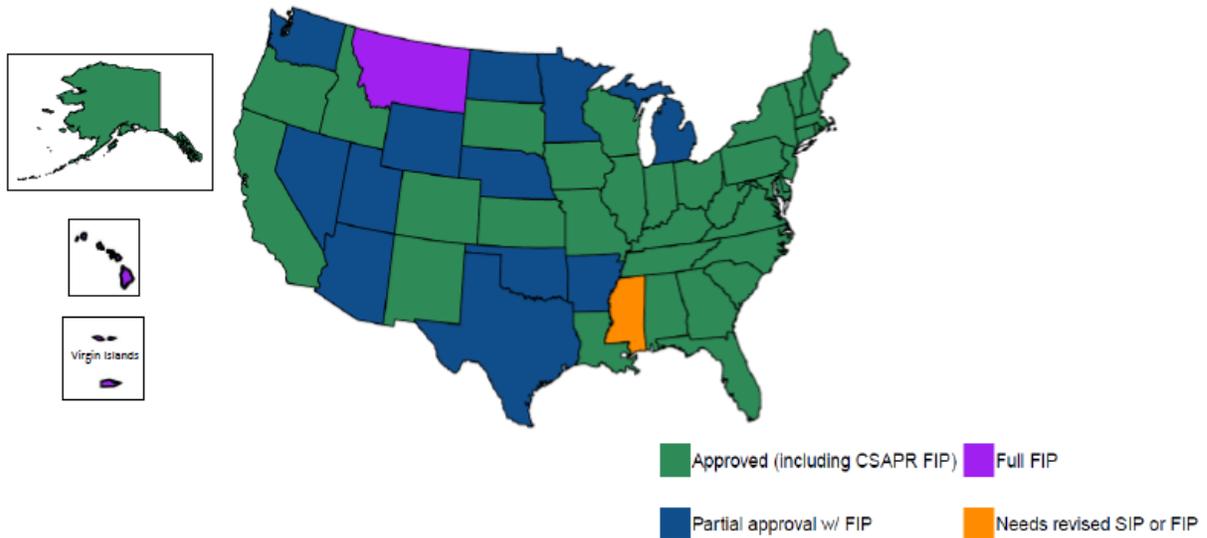


EPA, Dec. 5, 2017.

Sounds like a success story. But, there is more to the story. In 2014, EPA disapproved Wyoming's Plan. EPA imposed its own Federal Plan. EPA's Plan had a price-tag of \$600 million dollars but did not meaningfully improve visibility. Wyoming and the affected utilities appealed EPA's disapproval and requested the Court stay implementation of EPA's Federal Plan. The Court has stayed implementation. Last year, EPA and one of the utilities agreed to settle. The utility agreed to specific "Better than BART" emission reductions and controls. Those changes required Wyoming to expend time and resources in order to revise its State Plan, and Wyoming recently submitted those changes to EPA for action.

The status of Regional Haze, Round 1 - nineteen years after EPA adopted the Regional Haze Rule - is reflected on this EPA map:

Regional Haze: Status of Actions from First Implementation Period



The status for Wyoming and eleven other states are reflected on EPA’s map in blue as “Partial approval w/ FIP.”

On January 10, 2017, EPA revised its Regional Haze Rule. 82 Fed. Reg. 3078. One of the key revisions was to extend the deadline for states to submit their second round of regional haze state plans from July 2018 to July 2021. This past fall, EPA made preliminary 2028 visibility modeling data, results, and other technical information available to help inform round two of the state plan development process. See Memorandum from Richard A. Wayland, Director, Air Quality Assessment Division, EPA Office of Air Quality Planning and Standards, re: *Availability of Modeling Data and Associated Technical Support Document for the EPA’s Preliminary 2028 Visibility Air Quality Modeling* (Oct. 19, 2017).

Regional Haze visibility modeling is complex and costly. The inputs and outputs – the data alone - associated with EPA’s “preliminary” 2028 modeling has a total file size of

approximately 19 terabytes.⁶ That amount of data can only be provided via hard-drive to those who request it. And the various hardware option configurations to run the models is also expensive, on the nature of \$6600/month to \$20,800/month.⁷

In order to meet the 2021 State Plan submittal deadline, States and their multi-jurisdictional organizations, such as WESTAR, have already mobilized and started to work on gathering the data that will need to be analyzed in order to prepare state plans. The time and cost that states must devote to the data collection, analysis and ultimate development of these plans is significant. Wyoming estimates that its share of the western regional modeling and analytical costs alone may ultimately exceed several hundred thousand dollars.

However, federal and state collaboration is underway. Wyoming participated in WESTAR's December 2017 Regional Haze workshop, with many other states, EPA, and other federal agencies also attending. Wyoming remains hopeful that these cooperative federalism efforts will continue and be fully implemented. If so, the result will be continued improvement and progress meeting the Clean Air Act's visibility goals at a cost and resource savings for Wyoming's citizens.

3) Exceptional Events

Ambient air quality monitoring data is important as the basis for numerous regulatory decisions. However, not all monitoring data may be appropriate to use. For example, when “‘exceptional’ events cause exceedances or violations of the national ambient air quality standards (NAAQS) that subsequently affect certain regulatory decisions, the normal planning

⁶ According to Wikipedia, “1 terabyte of data would require about 1428 CD-ROMs, 212 DVDs or 40 single-layer Blu-ray Discs.”

⁷ AAPCA 2018 Spring Meeting Presentation, Photochemical Grid Modeling 101, Jim Boylan, Manager, Planning and Support Program, Georgia EPD – Air Protection Branch (April 5, 2018).

and regulatory process established by the CAA may not be appropriate.” See Preamble to EPA Final Rule, Treatment of Data Influenced by Exceptional Events. 81 Fed. Reg. 68216 (Oct. 3, 2016). Therefore, when an “exceptional” event influences the ambient monitored data and causes an exceedance or violation of the ambient standard, an air agency can request the exclusion of that event-influenced data, and the EPA can agree to exclude that data from use for certain regulatory decisions.

In order for an event to qualify as “exceptional,” the event: 1) must have affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation; 2) was not reasonably controllable or preventable, and 3) was caused by human activity that is unlikely to recur at a particular location or was a natural event. *Id.*, see also CAA § 319(b). Exceptional events may include wildfire smoke, high winds, stratospheric ozone intrusions, and the like.

Wyoming, like other states, relies upon and utilizes the Exceptional Event Rule to exclude event-influenced ambient monitoring data from use in certain regulatory decisions, or from ultimately being considered a “violation” of the ambient standard. Exceptional event demonstrations are resource intensive and costly, and place a significant burden on already strained state resources.

Two examples highlight the state resources required, cost, and burden to make an exceptional event demonstration. The first example relates to stratospheric ozone intrusions. Wyoming’s demonstration took just under a year to develop, required assistance from staff with meteorological expertise, assistance from EPA’s stratospheric ozone intrusion workgroup, a group of state and federal regulators, and academics focused on stratospheric ozone intrusions. Wyoming submitted five demonstrations to EPA for stratospheric ozone intrusion causing

exceedances of the Ozone ambient standard. EPA acted on only one of those demonstrations, which was ultimately approved by EPA. The second example relates to wildfire events that cause ozone exceedances. Wyoming has not prepared such an exceptional event demonstration, but has reviewed the examples that EPA has posted. Wyoming estimates that it would take about 15 months and contractor assistance at a costs of over \$150,000 to produce just one of those demonstrations. Resource and funding to produce demonstrations of this complexity and cost are simply impractical.

As mentioned previously, in the past, EPA oftentimes would not act on Wyoming's requests. For example, Wyoming submitted more than 45 demonstrations of exceptional event influences on PM2.5, PM10, and ozone ambient monitoring data for calendar years 2007 – 2015. Wyoming's submittals indicated that the exceedances were affected by high winds, wildfires, and stratospheric intrusions. While EPA reviewed and concurred with some of Wyoming's demonstrations, EPA "shelved" the majority of them.

EPA's decision to "shelve" Wyoming's demonstrations was problematic for several reasons. First, it signaled EPA's disregard for Wyoming's significant expenditure of money, time and resources to prepare submittals. Second, until EPA excludes the event-influenced data, it must be used for regulatory decisions. Use of data that should have been properly classified as "exceptional" may delay issuance of permits, create inaccurate public perception and understanding of ambient air quality, or result in federal policies that rest on a foundation of event-influenced data that should have been excluded. Ultimately, the EPA's consideration of data bereft of an exceptional event demonstration decision, results in a misrepresentation of the adequacy of existing state regulations and shifts state resources from addressing areas of concern to addressing situations that are not problematic.

Wyoming is starting to see that EPA is changing when it comes to exceptional events. I believe part of this change occurred after EPA revised the exceptional event rule in 2016 and then started listening to state questions and concerns related to Rule implementation.

Wyoming – as a co-regulator - reached out to EPA regional staff – asked questions, expressed concerns, offered suggestions for implementation, and invited region staff to participate in Wyoming’s ambient monitor training for industrial sources. Region staff attended and heard directly from Division staff and from Wyoming industrial sources.

Wyoming requested and suggested that regional and national EPA reduce regulatory uncertainty by: 1) timely action on ALL submittals under the revised rule; 2) accepting “right-sized” demonstrations; and 3) providing technical guidance, specifically in regards to the alternative pathways demonstrations for regulatory significant monitored data.

And, the Division has been pleasantly surprised. While, Wyoming’s requests and suggestions have not yet achieved full implementation, both the regional and national EPA offices are moving towards reducing regulatory uncertainty. At the WESTAR fall meeting, states raised questions and concerns. EPA national and regional staff listened and asked questions to gain a greater understanding of state concerns.

One of the EPA workgroups focuses on stratospheric ozone intrusions. EPA sought and invited Wyoming to review and comment on draft “Guidance on the Preparation of Exceptional Event Demonstrations for Stratospheric Ozone Intrusions.” Wyoming provided constructive feedback and reiterated the usefulness of this workgroup:

This group sends out notifications when [Stratospheric Ozone Intrusions] SI’s occur. They are also a readily available resource for small agencies that do not have full time forecasters to predict or diagnose SI’s in real time. Workgroup members from various agencies and institutions have been very helpful in producing many of the technical products needed for demonstrations. Again it can be difficult for smaller agencies to have the resources or staff to assemble

some of the technical products. The AQD requests that EPA continue to devote resources to the SI Workgroup and other groups like it.

Comment letter from Cara Keslar, Monitoring Section Supervisor, Wyoming DEQ – Air Quality Division, to Gail Tonnesson, EPA Region 8 and Pat Dolwick OAQPS (April 6, 2018).

And, just this past week, at the AAPCA spring meeting, EPA noted that: across its regions, it has concurred on nine ozone exceptional event demonstrations; is focused on addressing concerns, ensuring timely reviews, right-sizing demonstrations, fostering national consistency, and providing technical guidance. This is how cooperative-federalism should work.

Wyoming appreciates EPA's efforts to work with Wyoming and other states as a co-regulator and looks forward towards full implementation at the regional level. It is at that point that the positive environmental benefits of cooperative federalism will be realized. Those positive outcomes include exceptional event-related data that is properly excluded from state and federal regulatory decisionmaking so that information about Wyoming's ambient air quality is accurate,⁸ permits are not delayed because of event-related data, and state and federal policies will rest on a more solid data foundation. All of these positive outcomes benefit Wyoming's environment and air quality because it allows the state, and EPA, to focus staff and resources on addressing areas of concern, instead of situations that are not, but appear to be, problematic, because EPA did not act to exclude event-related data.

Now, I'd like to share some positive examples of Cooperative Federalism.

⁸ Real time information about Wyoming's ambient air quality may be found at <http://www.wyvisnet.com/>. See also the Division's 2017 Air Quality Awareness Week outreach activities which included a hip-hop song that was inspired in part by AAPCA's "The Greatest Story Seldom Told – Profiles and Success Stories in Air Pollution Control" (April 2017), and written and performed by Division public policy staff member Mike Morris: <https://www.youtube.com/watch?v=DicFvsgIN00>

Positive Examples of Cooperative Federalism:

1) E-Enterprise for the Environment

E-Enterprise for the Environment is a model for collaborative leadership among co-regulators. E-Enterprise puts cooperative federalism into practice. Working together, co-regulators are able to “deliver better results, often with lower costs and less burden, for the benefit of the public, the regulated community and government agencies.” *See EPA, About E-Enterprise for the Environment.* “By streamlining business processes and leveraging technology under joint governance, E-Enterprise is enabling the nation’s environmental protection enterprise to be more informed, timely and productive, resulting in better health and environmental outcomes while supporting local jobs and communities. E-Enterprise helps foster greater trust among the regulated community, the public, and co-regulators by improving data integrity and communication.”

The Division, through Emissions Inventory Section Supervisor Ben Way, has actively participated in E-Enterprise, including its Facility Team and Combined Air Emission Reporting (CAER) projects for the past two years. Each of these projects is founded on reducing the flow and management of redundant facility data into and out of multiple data systems. The goals of the Facility Team Project are to improve facility data accuracy, reduce the burden associated with multiple system data entry, and provide the public with a more complete picture of regulatory obligations and environmental interests at each facility. The purpose of the CAER project is to make the emissions data reporting process more efficient by consolidating those processes using modern data sharing technologies and streamlined program collaboration.

Ultimately, the results from the E-Enterprise model of collaborative federalism CAER and Facility Team projects will result in better air quality outcomes.

2) A Seat at the Table – EPA’s Board of Scientific Counselors

Cooperative Federalism is also about how decisions are made. Last year, Wyoming learned of AAPCA’s “States at the Table” joint project with the Council of State Government’s (CSG) to develop a “comprehensive resource for state leaders from all three branches of government regarding opportunities to interact with federal energy and environmental agencies through Federal Advisory Committees (FACs).”⁹ Among the goals of this joint project is to “promote [cooperative] federalism” and provide state officials with “a potential ‘seat at the table’ with their federal counterparts in the early stages of regulatory, scientific, or intergovernmental decision making. When geographically diverse states participate in these discussions, EPA benefits from the “boots on the ground” experiences in implementing the Clean Air Act.”¹⁰

In June 2017, EPA’s Office of Research and Development (ORD) provided AAPCA members with an overview of EPA’s Board of Scientific Counselors. The BOSC provides ORD with “advice and recommendations” on all aspects of ORD’s research programs. Those recommendations help improve the quality and focus of ORD’s research, translation to users, and utility of ORD’s research. The composition of the BOSC and its subcommittees is diverse, reflecting a balanced representation and different points of view to provide independent, expert research reviews.

In November 2017, EPA appointed Wyoming’s Air Quality Monitoring Section Supervisor, Ms. Cara Keslar, to this subcommittee. As a representative from the West and

⁹ <http://www.csg.org/aapca/>

¹⁰ See AAPCA Comments, List of Candidates for the U.S. Environmental Protection Agency’s (EPA) Clean Air Scientific Advisory Committee (CASAC) (Sept. 15, 2017), and AAPCA Comments, List of Candidates for the U.S. Environmental Protection Agency’s (EPA) Chartered Science Advisory Board (SAB) (Sept. 28, 2017).

Wyoming, Cara brings a new perspective and a wealth of technical expertise and knowledge of western air issues and energy development, and a strong dose of Western practicality.

Again, by having a seat at the table early in the process and next to other state and federal co-regulators, the benefits to come from cooperative federalism through shared accountability may be realized – improved air quality.

3) Disaster Planning

Last week, at the American Association of Pollution Control Agencies' Spring Meeting in Lexington, Kentucky, we heard about the Disaster Planning and Implementation efforts related to Hurricanes Harvey and Irma that took place between EPA, Texas and Florida. These states said that EPA's Disaster Planning and Response is one area where cooperative federalism is working well. EPA and states noted that with these disasters, EPA did not wait until after the disaster hit to mobilize, EPA reached out to the states beforehand. Key to the successful implementation was constant communication, "boots on the ground," and an "all hands on deck" approach that facilitated rapid and appropriate operational and regulatory responses. As one EPA speaker noted "In an actual emergency the EPA team is available seven days a week, day and night." Again, one of the benefits to come from cooperative federalism in these situations is to timely address air quality health protections. While Wyoming has not experienced a hurricane, the Division finds it reassuring to know that EPA has processes in place to address these situations and that work well.