



STATE OF UTAH

GARY R. HERBERT
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GREG BELL
LIEUTENANT GOVERNOR

May 21, 2012

Ozone Advance
c/o Laura Bunte, Mail Code C304-01
109 TW Alexander Drive
RTP, North Carolina, 27711

Dear Ms. Bunte,

The State of Utah appreciates the Environmental Protection Agency's (EPA) establishment of the Ozone Advance Program to encourage early reductions of ozone in areas that are designated unclassifiable or attainment for the 2008 ozone standard. In October 2011 I asked Lisa Jackson, EPA Administrator, to work with Utah to develop a proactive, meaningful plan to keep the Uintah Basin in attainment that does not penalize those who invest in this process on the front end. The Ozone Advance Program provides the framework to achieve this goal.

The State of Utah would like to enroll the Uintah Basin (Duchesne and Uintah Counties) in the Ozone Advance Program. Significant portions of the Uintah Basin are Indian Country are not under the jurisdiction of the Utah Division of Air Quality. The State of Utah hopes to work cooperatively with the Ute Indian Tribe and the Environmental Protection Agency to achieve early reductions throughout the entire Basin on areas within our respective jurisdictions. Some aspects of the program, such as increased public education and notification of high pollution episodes, are non-jurisdictional and will be achieved throughout the Uintah Basin.

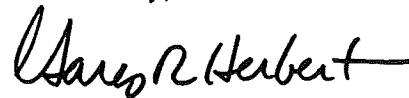
The Uintah Basin is eligible for the program because the area has been designated unclassifiable for the 2008 ozone standard. High ozone levels have been recorded in the Uintah Basin at non-regulatory survey monitors during winter temperature inversions. This wintertime ozone problem is unique to Utah and neighboring western states and presents challenges to a regulatory program that has been focused on summertime ozone throughout the United States.

The Ozone Advance Guidance requires the identification of the ozone monitors that reflect, or at best represent, the air quality in the area. The State of Utah is currently operating

ozone monitors in Vernal, Roosevelt, and Fruitland that best represent ozone levels in areas of the Uintah Basin that are not part of Indian Country¹. Utah continues to meet its reporting obligations for the national emissions inventory on lands under State jurisdiction, as required by the Ozone Advance Guidance, with the most recent submission in December 2011.

We look forward to working with EPA through the Ozone Advance Program to develop the measures and programs necessary to reduce ozone in the Uintah Basin.

Sincerely,

A handwritten signature in black ink that reads "Gary R. Herbert". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Gary R. Herbert
Governor

cc: Carl Daly, EPA Region 8

¹ The Ute Indian Tribe operates regulatory ozone monitors at White Rocks and Myton that are within Indian Country.