

obtain that certification. This inconsistency within EPA is beyond GVEA control makes attaining compliance with the MATS rule unattainable. This inconsistency also indicates that EPA has not fully addressed the differences that exist between the 48 contiguous states and Alaska.

Both the Congress of the United States and EPA have correctly recognized that certain air quality issues in Alaska can and should be addressed in a different manner than as those issues are addressed for the contiguous 48 states. Examples of this recognition include, but are not limited to the following decisions.

- Congress excluded Alaska and other non-contiguous areas of the United States from the CAA Acid Deposition Control provisions in 1990 (commonly known as Title IV of 1990 the Clean Air Act Amendments). This exclusion was based on the disconnect between emissions from fuel burning equipment in Alaska and acid rain impacts in the contiguous states.
- As a few examples, EPA has included Alaska-specific provisions in:
 - 40 CFR 60 Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;
 - 40 CFR 63 Subpart YYYY, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines;
 - 40 CFR 63 Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; and
 - 40 CFR 80 Subpart I, Motor Vehicle Diesel Fuel; Nonroad, Locomotive, and Marine Diesel Fuel; and Emission Control Area (ECA) Marine Fuel.

In promulgating each of those regulations, EPA recognized that the circumstances in Alaska can be different from other regions of the United States. Based on this recognition, EPA carefully crafted the regulations to accommodate Alaska circumstances in a common sense manner while protecting the health of Alaskans and the Alaska environment.

A more recent and directly relevant example is the EPA promulgation of 40 CFR 60 Subpart UUUU, Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units. In the preamble to that final rule, published in the Federal Register on October 23, 2015, EPA stated:

"We have not in this rule applied the uniform emission performance rates to Alaska, Hawaii, Puerto Rico, or Guam—states and territories that have otherwise affected EGUs but are isolated from the three major interconnections—and will determine how to address the requirements of section 111(d) with respect to these jurisdictions at a later time."

In the same preamble, EPA stated: