

US EPA ARCHIVE DOCUMENT

Honorable Roy E. Barnes  
Governor  
State of Georgia  
Atlanta, GA 30334

Dear Governor Barnes:

I am pleased to inform you that today we are taking the next step to move forward with the Environmental Protection Agency's (EPA) far-reaching approach to protect the health of over a hundred million Americans living in the eastern United States from harmful levels of air pollution. This action should significantly reduce air pollution from coal-fired power plants and other large industrial facilities. Not only do those emissions threaten public health in nearby areas, they also threaten communities hundreds of miles away. Reducing these emissions will prevent thousands of smog-related illnesses each year, including aggravated cases of childhood asthma. This plan can be achieved through cost-effective, readily achievable reductions.

After EPA issued the NOx SIP Call in September 1998 to reduce smog across the eastern United States, several parties challenged us in court. Last May, as an interim measure, the Court stayed the requirement that States submit their plans to address transported smog. On March 3, 2000, the United States Court of Appeals for the District of Columbia Circuit issued a decision largely upholding the NOx SIP Call.

Although the Court upheld EPA's general approach, it found that we did not have sufficient evidence to include your entire state in the NOx SIP Call. Specifically, the Court found that EPA did not have a sufficient basis to determine that NOx emissions from the southern part of your state significantly contribute to air quality problems in other states. Therefore, the NOx SIP Call does not apply to your state at this time. We intend to move ahead quickly to address this and other remanded issues by proposing a rule later this spring. In particular, we intend to propose to include part of your state in the NOx SIP Call and to require a revised state air quality plan no earlier than December 2000. In the absence of a state submission by the required date, the Clean Air Act provides for EPA to put in place a federal plan. We look forward to working with you to meet the NOx SIP Call requirements.

At the present time, based on the reasoning of the Court's decision concerning your state, we have preliminarily determined the amount of reductions that your state air quality plan should include, based on reductions from only the northern part of your state. By separate cover, we are sending to your environmental commissioner information on the NOx reductions. We believe it appropriate for you to continue the process of adopting measures to achieve these emission reductions.

The EPA and Department of Justice have been working closely together to take action in response to the Court's decision. For your information, today we are filing a motion with the Court asking it to lift its stay of the date for states still subject to the NOx SIP Call to submit revised air pollution control plans. If the Court grants our request, the states currently subject to the NOx SIP Call will need to submit control plans by September 1, 2000 for those portions of the NOx SIP Call upheld by the Court.

The regional NOx strategy provides a constructive opportunity for partnership among states and with the EPA. My staff will be available to assist your staff on this matter. I look forward to working with you and your constituents to provide effective ways to improve air quality.

Sincerely,

Carol M. Browner

cc: Harold Reheis  
Thurbert E. Baker

Honorable Mel Carnahan  
Governor  
State of Missouri  
Jefferson City, MO 65102

Dear Governor Carnahan:

I am pleased to inform you that today we are taking the next step to move forward with the Environmental Protection Agency's (EPA) far-reaching approach to protect the health of over a hundred million Americans living in the eastern United States from harmful levels of air pollution. This action should significantly reduce air pollution from coal-fired power plants and other large industrial facilities. Not only do those emissions threaten public health in nearby areas, they also threaten communities hundreds of miles away. Reducing these emissions will prevent thousands of smog-related illnesses each year, including aggravated cases of childhood asthma. This plan can be achieved through cost-effective, readily achievable reductions.

After EPA issued the NOx SIP Call in September 1998 to reduce smog across the eastern United States, several parties challenged us in court. Last May, as an interim measure, the Court stayed the requirement that States submit their plans to address transported smog. On March 3, 2000, the United States Court of Appeals for the District of Columbia Circuit issued a decision largely upholding the NOx SIP Call.

Although the Court upheld EPA's general approach, it found that we did not have sufficient evidence to include your entire state in the NOx SIP Call. Specifically, the Court found that EPA did not have a sufficient basis to determine that NOx emissions from the western part of your state significantly contribute to air quality problems in other states. Therefore, the NOx SIP Call does not apply to your state at this time. We intend to move ahead quickly to address this and other remanded issues by proposing a rule later this spring. In particular, we intend to propose to include part of your state in the NOx SIP Call and to require a revised state air quality plan no earlier than December 2000. In the absence of a state submission by the required date, the Clean Air Act provides for EPA to put in place a federal plan. We look forward to working with you to meet the NOx SIP Call requirements.

At the present time, based on the reasoning of the Court's decision concerning your state, we have preliminarily determined the amount of reductions that your state air quality plan should include, based on reductions from only the eastern part of your state. By separate cover, we are sending to your environmental commissioner information on the NOx reductions. We believe it appropriate for you to continue the process of adopting measures to achieve these emission reductions.

The EPA and Department of Justice have been working closely together to take action in response to the Court's decision. For your information, today we are filing a motion with the Court asking it to lift its stay of the date for states still subject to the NOx SIP Call to submit revised air pollution control plans. If the Court grants our request, the states currently subject to the NOx SIP Call will need to submit control plans by September 1, 2000 for those portions of the NOx SIP Call upheld by the Court.

The regional NOx strategy provides a constructive opportunity for partnership among states and with the EPA. My staff will be available to assist your staff on this matter. I look forward to working with you and your constituents to provide effective ways to improve air quality.

Sincerely,

Carol M. Browner

cc: Stephen M. Mahfood  
Jeremiah W. Nixon