

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

(R-19J)

Steven Chester, Director  
Michigan Department of Environmental Quality  
P.O. Box 30473  
Lansing, Michigan 48909-7973

Dear Mr. Chester:

I am writing concerning Michigan's efforts to implement a regional strategy, known as the NOx State Implementation Plan (SIP) Call, which is intended to reduce smog across the eastern United States by reducing emissions of nitrogen oxides (NOx). The NOx SIP Call will protect the health of more than one hundred million Americans living in Michigan and the eastern United States from harmful levels of air pollution because reducing NOx emissions will prevent thousands of smog-related illnesses each year, including aggravated cases of childhood asthma.

In October 1998, the Environmental Protection Agency (EPA) issued the NOx SIP Call rule. See 63 FR 57356. As a result of various challenges filed in the D.C. Circuit Court of Appeals (Court), EPA divided this rule into Phases I and II. The requirements that the Court upheld were included in Phase I, while the requirements that the Court vacated or remanded to EPA were included in Phase II, and were addressed in our April 21, 2004, rule. See 70 FR 5159. On April 1, 2005, the SIP revisions covering Phase II, which are also known as "Phase II" SIPs, became due to EPA. (This should not to be confused with the SIP for the Clean Air Interstate Rule which is due to EPA on September 11, 2006.)

The EPA appreciates the progress made by Michigan to meet air pollution improvement goals, and its efforts in implementing Phase I of the NOx SIP Call. At this time, however, Michigan has not submitted a Phase II SIP to address the additional NOx emissions reductions required by Phase II.

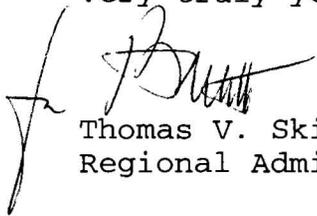
When a State does not submit a plan to EPA that meets the requirements of Phase II of the NOx SIP Call, including adopted rules, the Clean Air Act authorizes EPA to make a finding of failure to submit a plan. Through this letter, I am informing

you that we will be making such a finding for Michigan. We will be formally publishing this finding in the Federal Register shortly, which will indicate that Michigan did not submit a complete, fully-adopted SIP in response to Phase II of the NOx SIP Call. We are taking this action to fulfill our responsibility to ensure that all States subject to Phase II of the NOx SIP Call are moving forward to reduce NOx emissions that cause smog in downwind States.

Please be assured that my Office recognizes the efforts of the Michigan Department of Environmental Quality, Air Quality Division to complete plan development and submittal and understands the time requirements needed to make a complete submission. I understand that the Michigan Phase II plan will be sent to us sometime in December 2005 following completion of the State's administrative process. We look forward to receiving a Michigan SIP revision that EPA can approve to reduce smog-forming NOx. By doing this, Michigan will avoid the need for a Federal Implementation Plan to implement the SIP Call.

Again, thank you for your continued efforts in working with EPA to implement the NOx SIP Call, and to complete Phase II. Michigan's actions will enable the full realization of the public health benefits from this ground-breaking strategy, and result in cleaner air for the citizens of your State and other States in the eastern United States.

Very truly yours,



Thomas V. Skinner  
Regional Administrator

cc: G. Vinson Hellwig, MDEQ

bcc: Robert Irvine, MDEQ

Standard bcc's: official file copy  
                  originator's file copy  
                  originating organization reading file