

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**COPY FOR YOUR  
INFORMATION**

The Honorable W. Tayloe Murphy, Jr.  
Secretary of Natural Resources  
Commonwealth of Virginia  
Executive Office Building  
Patrick Henry Building  
4<sup>th</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

OCT 18 2005

Dear Secretary Murphy:

I am writing concerning Virginia's efforts to implement its portion of a regional strategy to reduce smog across the eastern United States by reducing emissions of nitrogen oxides (**NO<sub>x</sub>**). This strategy -- known as the **NO<sub>x</sub>** State Implementation Plan (SIP) Call -- will protect the health of over one hundred million Americans living in Virginia and the eastern United States from harmful levels of air pollution. Reducing these 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 **NO<sub>x</sub>** SIP Call. See Fed. Reg. **57356**. As a result of various challenges filed in the D.C. Circuit Court of Appeals (Court), EPA divided the **NO<sub>x</sub>** SIP Call 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 Fed. Reg. 5159**. The SIP revisions required by Phase II were due to EPA on April 1, **2005**. (These **SIPs** are not to be confused with the **SIPs** required to implement the Clean Air Interstate Rule, which are required to be submitted to EPA by September **2006**.)

EPA appreciates the progress Virginia has made in meeting air pollution improvement goals and its efforts in implementing Phase I of the **NO<sub>x</sub>** SIP Call. At this time, however, Virginia has not submitted a SIP revision to address the additional emission reductions required by Phase II of the **NO<sub>x</sub>** SIP Call.

When a State does not submit a plan as required by EPA, the Clean Air Act authorizes EPA to make a finding of failure to submit such a plan. Please be informed that we will be making such a finding for Virginia. We will formally publish a notice of this finding in the Federal Register shortly, indicating that Virginia did not submit a complete, fully-adopted SIP revision in response to Phase II of the **NO<sub>x</sub>** SIP Call, and which leads to the requirement that EPA promulgate a Federal Implementation Plan (FIP) within two years after the finding. We are taking this action to fulfill our responsibility to ensure that all States subject to Phase II of the **NO<sub>x</sub>** SIP Call are moving forward to reduce **NO<sub>x</sub>** emissions that contribute to smog in downwind states.

*Customer Service Hotline: 1-800-438-2474*

I'd like to assure you that the Region will work closely with you and the Virginia Department of Environmental Quality to ensure that Virginia makes a complete SIP submission as soon as possible that the Agency can approve to meet the additional **NOx** reductions required by Phase II. Approval of this submission will obviate the need for a FIP for Virginia.

Again, thank you for your continued efforts to work with EPA to carry out both phases of the **NOx** SIP Call to **fully** realize the public health benefits **from** this ground-breaking strategy. Your actions will result in cleaner air for the citizens of Virginia and other states in the eastern United States.

Sincerely,

A handwritten signature in cursive script that reads "Donald S. Welsh".

Donald S. Welsh  
Regional Administrator

cc: John M Daniel, Director,  
VADEQ, Air Division