

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

September 29, 2003

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

The Honorable John R. Edwards
United States Senate
225 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Joseph I. Lieberman
United States Senate
706 Senate Hart Office Building
Washington, DC 20510

Dear Senators Edwards and Lieberman:

We write to you today on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) – the two national associations representing state and local air pollution control agencies across the country – to offer our associations' support of your amendment to the VA, HUD, and Independent Agencies' FY 2004 appropriations bill, to provide greater flexibility to states and localities with respect to the New Source Review (NSR) program under the Clean Air Act.

Over the past decade, our associations have been active participants in NSR reform discussions and have consistently supported changes to the NSR program. However, we believe that the final reforms issued by the U.S. Environmental Protection Agency (EPA) on December 31, 2002 could be less protective of the environment than current regulations and interfere with our efforts to achieve and sustain clean, healthful air. Further, because the reforms are mandatory, they could impede, or even preclude, the ability of states and localities to retain or adopt programs that are more protective than the new federal requirements.

In the year preceding EPA's final adoption of these revisions to the NSR program, STAPPA and ALAPCO went on record multiple times expressing significant concerns with the direction being pursued by the Agency, and particularly with the potential for the regulatory changes to allow an unacceptably large number of sources that are currently subject to NSR to escape air pollution controls. We were extremely disappointed that few of our concerns were addressed in the final rule.

In the nine months since EPA promulgated its final NSR reforms, states and localities have worked diligently to analyze the new rules and move forward to implement them as required. However, many states and localities still believe firmly that the new rules are problematic and environmentally inferior to rules they already have in place. For this reason, we welcome the Edwards-Lieberman amendment.

The Edwards-Lieberman amendment would appropriately provide each state and locality with flexibility to select between the new federal NSR rules and its existing NSR rules, based upon the state or locality's own judgment of which will best serve its local air quality needs. Under the amendment, any state or locality would be allowed to maintain its existing NSR program unless EPA is able to demonstrate that the new federal rules would not weaken the clean air protections of that program.


The beauty of the Edwards-Lieberman amendment is that it allows *every* state and locality in the nation to make its own choice regarding NSR. The amendment allows those which desire to implement EPA's revised rules to do so without interference, while those which believe EPA's new rules are deficient and would prefer to retain their pre-December 31, 2002 programs may also do so, without shouldering the burden of a demonstration.

STAPPA and ALAPCO, therefore, endorse your amendment, which protects all states' and localities' rights to protect public health and the environment in their jurisdictions.

Sincerely,



Lloyd L. Eagan
President of STAPPA



Cory R. Chadwick
President of ALAPCO

cc: The Honorable Ted Stevens
The Honorable Robert C. Byrd
The Honorable Christopher S. Bond
The Honorable Barbara A. Mikulski