

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

January 7, 2004

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

U.S. Environmental Protection Agency
EPA Docket Center
Docket No. OGC-2003-0006
Mailcode 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

To Whom It May Concern:

The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), whose members include state and local air pollution control agencies across the nation, wish to provide the following comments on the settlement between Environmental Defense and the U.S. Environmental Protection Agency (EPA), as proposed in the *Federal Register* on December 8, 2003 (68 FR 68374).

STAPPA and ALAPCO strongly support the proposed settlement agreement, which requires EPA to publish a proposed rulemaking by September 30, 2004 and a final rulemaking by September 30, 2005. The resulting regulations will satisfy the requirements of sections 166(c) and (d) of the Clean Air Act, which embody Congressional intent to provide protection of air quality in attainment areas, including national parks and wilderness areas, and require EPA to consider the particular goals and purposes of the prevention of significant deterioration (PSD) program.

The provisions of section 163 of the Act set forth specific increments and ceilings for sulfur oxide and particulate matter in attainment areas. Nitrogen oxides, on the other hand, were to be addressed by EPA under section 166 of the Act, which required a two-year study to be conducted followed by promulgation of regulations providing "specific measures at least as effective as the increments established in section 163 [which] many contain air quality increments, emission density requirements, or other measures." Section 166(d). No such measures, however, have ever been promulgated. Therefore, STAPPA and ALAPCO commend the parties for agreeing that EPA will carry out this long-standing Congressional purpose without further delay.

STAPPA and ALAPCO look forward to the proposed regulations and anticipate submitting comments to EPA when they are published. We expect that EPA will address

such matters as short-term pollution episodes and regulation of other nitrogen compounds in addition to NO₂ in order to carry out the intent of Congress that pollutants listed in section 166 ultimately be subjected to requirements that parallel the pollutants listed in section 163.

In conclusion, STAPPA and ALAPCO urge the parties to finalize the proposed settlement agreement and fully support EPA's development of regulations for nitrogen oxides in accord with the full requirements and intent of the PSD provisions in the Act.

Sincerely,



Robert Hodanbosi
STAPPA Chair
Permitting Committee



Ursula Kramer
ALAPCO Chair
Permitting Committee