

United States Senate

WASHINGTON, DC 20510

March 30, 2004

The Honorable Michael O. Leavitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, D.C. 20460-0001

Dear Administrator Leavitt:

As the Environmental Protection Agency (EPA) completes the designation of nonattainment areas under the revised National Ambient Air Quality Standard (NAAQS) for ozone, we ask that you accept the State of Michigan's recommendations regarding boundaries of areas designated "nonattainment," and take into consideration the unique situation that faces West Michigan because of overwhelming transport. We support the goals of the Clean Air Act but are determined that it be applied with common sense.

Some areas of Michigan will be designated as "nonattainment" areas due to their own emission contributions. However, it makes no sense to hold a county in nonattainment because of transported ozone; in other words, when that county neither caused its air quality problems nor can it cure those problems. We should not waste resources on expensive remedies which don't fix the problem.

The Clean Air Act (CAA) states that the purpose of its regulatory system to limit emissions is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." Placing unreasonable restrictions on areas that cannot prevent the increased emissions caused by overwhelming transport is not only unreasonable and inequitable, but is not consistent with the intent of the Clean Air Act.

In West Michigan, the shoreline monitors measure the airmass that arrives in Michigan from Chicago, Gary, Milwaukee and other cities. Although almost no local ozone contribution is picked up at these monitors, their recorded ozone concentration levels are the highest in the state. However, because these monitors have the worst ozone levels, they set the design value for the nonattainment area. It is the levels at the shoreline monitors, *which do not reflect the local contribution*, that will be used to impose the nonattainment classification, the deadline for compliance, and the mandatory control measures for the entire nonattainment areas. The nonattainment area cannot be redesignated to attainment until *all* of the monitors, including these

shoreline monitors, meet the standard, even though they do not reflect West Michigan emissions. This puts West Michigan counties in a situation that is completely unacceptable.

Further, counties should not be arbitrarily grouped together. We support the State of Michigan's boundary recommendations, which are based not only on emissions and air quality in adjacent areas, but also on the location and size of emission sources, traffic and commuting patterns, the extent, pattern and rate of growth, jurisdictional boundaries, and expected dates of attainment, as directed by EPA guidance.

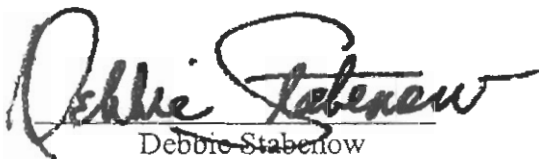
The Grand Rapids attainment area should only include Kent and Ottawa Counties. Muskegon County should be a separate area, and Allegan County should be a separate area. This will minimize the arbitrary and unfair challenges they face due to the overwhelming transport.

Finally, rather than keep the previously established attainment/maintenance area comprised of the counties of Wayne, Oakland, Macomb, Monroe, Washtenaw, Livingston, and St. Clair, the EPA has indicated that it intends to create a single attainment area for 10 Southeast Michigan counties (which will add three new counties to the area: Genesee, Lapeer, and Lenawee). We are concerned about the unfair potential impact of this modification by the EPA. Without a sound basis for their inclusion, the EPA should designate a separate area comprised of Genesee and Lapeer Counties and one for Lenawee County. It is not equitable nor productive to include Lenawee County in the larger area because it has relatively low emissions and population density and should achieve attainment through regional measures already adopted.

We will be seeking a meeting with you about this matter (some months ago we spoke to you personally about it and you showed some understanding). Your staff also acknowledged the unique situation facing West Michigan.

Thank you for your consideration and assistance.

Sincerely,



Debbie Stabenow



Carl Levin