



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB - 9 2007

OFFICE OF
AIR AND RADIATION

Chairman John D. Dingell
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Dingell:

Thank you for your letter of January 19, 2007, to Environmental Protection Agency (EPA) Administrator Stephen Johnson regarding the status of the Clean Air Fine Particle Implementation Rule.

The Clean Air Fine Particle Implementation Rule is an important part of EPA's partnership with the states. It covers a wide variety of topics, including attainment demonstrations and modeling; how states should consider the Clean Air Act requirements for installation of reasonably available control measures (RACM) and reasonably available control technology (RACT) when implementing the PM_{2.5} standard; and EPA's guidance on how states should consider the relationship between PM_{2.5} and its precursor components such as sulfur dioxide (SO₂) and nitrogen oxide (NO_x). EPA provided an informal draft to the Office of Management and Budget (OMB) in March 2004. This early transmittal is designed to identify important analytical issues early in the rulemaking process and share information between EPA and OMB as policymakers consider the appropriate regulatory approach.

In your letter you requested that EPA respond to questions regarding the development of this rulemaking. Our responses to five of the six questions are provided in the attachment. We are unable to respond to the fourth question, which requires an extensive document review, by your deadline. Please be assured that EPA is working to respond to this question and will keep your Committee staff apprised of our progress.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ronna Landy, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3109.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Wehrum".

William Wehrum
Acting Assistant Administrator
Office of Air and Radiation

Attachment

Questions from Chairman Dingell regarding EPA's Clean Air Fine Particle Implementation Rule

1. *When will you sign the final implementation rule for the 1997 fine particle standards?*

Response: Completing the implementation rule is a priority for EPA. The rule will provide important guidance to States for developing implementation plans due in April 2008. Our goal is to finalize the rule in March 2007.

2. *Is the Administration's delay in issuing the fine particle implementation rule for the 1997 standards an indication that the Administration believes it is not important for areas to meet the fine particle standards?*

Response: No, the Administration believes it is very important for all areas in the country to meet the fine particle health-based standards. To help states attain these standards, we have taken a number of federal actions over the past several years to reduce particle pollution and achieve cleaner air. For example, the March 2005 Clean Air Interstate Rule calls for reductions in sulfur dioxide and nitrogen oxide emissions of approximately 70% from eastern power plants through a cap and trade system. EPA has also issued a number of rules in past years to reduce particulate matter and nitrogen oxide emissions from onroad and nonroad mobile sources. Together, these federal measures for power plants and mobile sources are projected to help many areas attain the standards in the 2010-2015 timeframe.

3. *Please provide a timeline from 2004 through 2007 showing the different stages in the development of the proposed and final implementation rules. Please include an identification of the time periods when any rulemaking documents were being reviewed (formally or informally) by OMB or other parts of the Executive Branch.*

Response: EPA's issuance of the proposal was affected by other Agency rulemakings. OMB received the proposed PM_{2.5} implementation rule for E.O. 12866 review in October 2004. At that time, other EPA priorities, such as the Clean Air Interstate Rule (CAIR), Clean Air Mercury Rule (CAMR), and Best Available Retrofit Technology (BART) rules -- some of which had court-ordered deadlines -- took precedence over the PM_{2.5} implementation rule. Also, EPA and OMB wanted the PM_{2.5} implementation rule to reflect careful consideration of the relationship between PM_{2.5} implementation efforts and these other rules.

In your letter, you requested a timeline from 2004 through 2007 showing the different stages in the development of the proposed and final implementation rules. In the spring of 2004, EPA submitted the draft proposed rule to OMB for informal review. A draft proposed rule was submitted to OMB for formal review under EO 12866 in October 2004. In January 2005, EPA sent a letter to OMB requesting a 30-day extension of the formal review period to February 2005. OMB cleared the proposed rule in September 2005. The Administrator signed the proposed rule in September 2005 and it was published in the Federal Register in November. The public comment period was extended to late January. Between April and June 2006, EPA

reviewed public comments and developed the draft final rule. In late July 2006, portions of the draft final rule were sent to OMB for informal review. The full draft was sent to OMB for informal review in August. Since that time, EPA has focused on completing the PM NAAQS review, a significant number of rules with legally binding deadlines, and other priority actions. A revised version of the final rule and the preamble were sent to OMB for informal review in November. As noted above, our goal is to complete the PM implementation rule in March.

5. Please identify the agency resources that were devoted to this rulemaking process over the last three years.

Response: The draft rule addresses a wide range of issues. Accordingly, there have been many contributors and reviewers associated with this rulemaking. We estimate that more than 75 staff and managers were involved with this rulemaking during the 2003-2006 time frame, equating to 19 person-years of work. We also estimate that contractor resources spent on activities related to the rulemaking total more than \$200,000.

6. Please identify the actions, if any, that you, Assistant Administrator Holmstead, or Acting Assistant Administrator Wehrum took to try to expedite this rulemaking process.

Response: The Clean Air Fine Particle Implementation Rule has been a high priority rulemaking for the Administration and it will continue to be so. EPA staff and management have carefully weighed the policy issues and public comments for this rule over the course of many meetings. Our common goal is to produce a rule that will offer states clear, instructive guidance on how to develop their State Implementation Plans. The status of the rule is regularly discussed in status meetings with the Deputy Administrator.