

July 28, 2003

The Honorable Marainne Lamont Horinko
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

SUBJECT: Air Docket #OAR 2003-0079

Dear Ms. Horinko:

In addition to the letter sent and signed by all the members of the Michigan Congressional delegation, I am writing to convey my specific concerns with respect to the United States Environmental Protection Agency's (EPA's) proposed rule to implement the 8-hour ozone National Ambient Air Quality Standard (NAAQS).

For the last 10 years, I have been troubled by the manner in which the EPA has conducted itself with regard to implementing the Clean Air Act in West Michigan. Too many times the EPA has brought forth proposals to designate nonattainment areas in West Michigan, or to implement a NAAQS in a manner that defies the use of common sense to achieve real clean air objectives. In what has become an all too frequent occurrence, communities in my predominantly rural Congressional district are singled out by the EPA as "dirty" cities with poor air quality in need of additional emission source controls despite having little to no industry to speak of or enough local emissions to contribute to the poor air quality designation.

Specifically, I would like to submit the following comments:

1. Science supports the fact that no matter what emission controls take place in Allegan, Ottawa, Muskegon, Mason and Benzie counties, they will be unable to comply with the 8-hour air quality standard until the upwind areas across Lake Michigan reach the 8-hour air quality standard. The final rule should provide enough flexibility so that recipients of overwhelming ozone transport pollution in either a rural area or an area contained within a Metropolitan Statistical Area can receive a delayed or transitional designation that allows time for upwind areas to meet their attainment date before formally designating the downwind areas in West Michigan.
2. Good public policy dictates that West Michigan citizens have a right to be informed on the quality of the air they breathe and the public health risks present in their communities. For that reason I fully support a NAAQS that is based on sound science, protects public health and improves the quality of living for the people of West Michigan. However, when implementing the 8-hour standard in West Michigan, the EPA should address its unique air quality situation by creating a nonattainment designation that would recognize this area as a "nonattainment ozone transport area."

3. The West Michigan area is on the leading edge of a regionalized vision that will foster economic opportunity as well as long-range environmental protection plans. The concept of "Clean Air Development Communities" as outlined in the proposed rule is an idea worth exploring further to the extent that it can promote flexibility and incentives for industry to utilize existing infrastructure and the redevelopment of brownfields. Current EPA regulations encourage the development of greenspace and farmland and ultimately the deurbanization of our urban centers. The discussion on "Clean Air Development Communities" and the promotion of smart growth and land use is needed to reverse the unintended consequences of current clean air law.

4. EPA arbitrarily picks the location of air quality monitors throughout the state of Michigan and subsequently communities are at the mercy of EPA's decisions. This policy allows EPA to pick winners and losers and this is radically unfair. Two adjacent rural counties in my Congressional district are similar in the amount of federal land holdings, population and industry however one county will likely receive a nonattainment designation and the other will have no designation. Potentially, the county that receives the nonattainment designation could be subject to additional local emission controls, while the adjacent county is held harmless. EPA needs to consider how to address the inequities that the site location of air quality monitors creates.

I appreciate your consideration of these comments and look forward to your prompt response.

Sincerely,

A handwritten signature in black ink that reads "Pete Hoekstra". The signature is written in a cursive, flowing style with a large initial "P".

Pete Hoekstra
Member of Congress

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