ENCLOSURE 3

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
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CECIL H. UNDERWOOD
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March 9, 1998

The Honorable William J. Clinton
President
United States of America
White House
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our great concern with the recent proposal by the United States Environmental Protection Agency (EPA) to address the transport of ozone in the eastern United States. We are concerned not only with the technical merits of EPA's proposal, but also with the process that is underway to finalize the proposal. We are seeking additional time for public comment and also, a phased approach to the control of regional NO_x emissions.

EPA and 38 jurisdictions in the eastern United States participated in the Ozone Transport Assessment Group (OTAG) which spent over two years studying the transport of ozone. OTAG concluded that the transport of ozone does indeed exist, but not to the distances earlier believed. OTAG found that the distances that ozone is transported vary, most notably between the southern and northern portions of the OTAG region. While OTAG demonstrated the benefits of reductions of oxides of nitrogen (NO_x), it determined that NO_x reductions in a portion of the OTAG region would most impact ozone levels in that region.

As a result of these findings, OTAG recommended a range of NO_x controls for utilities and large industrial boilers. OTAG also recommended that the states be granted sufficient time to perform additional analyses (i.e., modeling on a more refined, subregional basis) to identify the appropriate level of reduction for each state. EPA recognized that the states requested an additional twelve (12) months to perform subregional analyses.

On November 7, 1997, EPA published a proposed notice of deficiency of states' implementation plans (SIP call) as the means of implementing OTAG's recommendations. However, the proposed SIP call deviates substantially from OTAG's recommendations in both the levels of reductions proposed and its acceptance of the subregional analyses. EPA applied the most stringent