

The Environmental Protection Agency (EPA) has apparently issued a statement to some reporters suggesting that the federal Title V program is primarily focused on consolidating permit requirements, and that it does not cover the "day to day" activities of state pollution control programs. We agree that Title V does not cover all Clean Air Act programs, and made that clear in our press conference today.

However, we think EPA's statement is misleading, and seriously understates the scope of activities that are to be covered in the Title V program. Section 502(b)(3) of the statute, and EPA's own regulations, make clear that the fees should cover activities such as ambient monitoring, "modeling, analyses, and demonstrations," testing emissions, enforcing permits, etc. In other words, these fees are to be used to fund state-level monitoring, permitting and enforcement under the federal Clean Air Act. As such, they play an important role in America's national/state strategy to ensure that Americans have clean air to breathe ... and that the biggest polluters pay the tab for ensuring that happens.

We also have heard today from a handful of states about our report. In those cases, state officials have provided additional information that we are evaluating now. As EIP acknowledged during our phone-based news conference, the Delaware data in the report is being updated. We have nothing new to report on that front at this time.

North Dakota officials have told us that they are collecting a higher fee level, but one that still appears to be \$1 million short of what would come in under the Clean Air Act minimum standard for emission fees. So, our report conclusion remains the same for North Dakota: The state is coming up significantly short on its Clean Air Act emission fees.

In Michigan, state officials tell us that they are rounding up significant fees from what appear to be primarily smaller polluters. While that is good news, it does not appear at this time to change the focus of Michigan report findings, where the focus was on the biggest polluters in the state that are being charged less than the federal minimum emission fee level. However, we are going to review the Michigan information and supplement our report findings, if necessary.

EIP welcomes all input and reviews all such feedback carefully. Currently, we are reviewing the new information from Delaware, North Dakota and Michigan and will respond as may be necessary. However, we do not expect any of these points to impact our overall finding that states are assessing Clean Air Act fees well below the federal minimum rates.

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