

ENVIRONMENTAL PROTECTION AGENCY  
1626 K Street, N. W.  
Washington, D. C. 20460

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Honorable William G. Milliken  
Governor of Michigan  
Lansing, Michigan 48933

Dear Governor Milliken:

On December 31, 1970, President Nixon signed the Clean Air Amendments of 1970, a copy of which is enclosed. The new legislation will require the Environmental Protection Agency and State governments to play an increasingly active role in dealing with the Nation's air pollution problems.

My purpose in writing to you is to call attention to those provisions of the new legislation that will most directly affect State air pollution control programs and to outline some of the steps that States will have to take to translate these provisions of the law into action.

First, the new legislation provides for promulgation of national ambient air quality standards. On January 30, 1971, proposed national ambient air quality standards for sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants were published in the Federal Register. A copy of the Federal Register notice is enclosed. An announcement of the publication of air quality criteria for nitrogen oxides appeared the same day. Air quality criteria for the other five pollutants had been issued previously. No later than April 30, 1971, after review of comments submitted to us, national standards for these six pollutants will be promulgated.

State governments then will be required to formulate and adopt, after reasonable notice and public hearings, State-wide plans for implementation of the national ambient air quality standards. Such implementation plans will have to be submitted to the Environmental Protection Agency for review no later than nine months following the promulgation of the national standards.

The Environmental Protection Agency is now preparing guidelines to assist State governments in formulating implementation plans that will be acceptable under the new provisions of the Clean Air Act. It is expected that these guidelines will be published within the next several weeks.



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In the meantime, because of the time constraints imposed by the new provisions of the Clean Air Act, it is essential, particularly if your State legislature is now in session or will soon convene, that you make a prompt determination as to whether new State legislation will be needed to enable your State to formulate and carry out implementation plans meeting the requirements of the Act. To assist you in making such a determination, the Environmental Protection Agency has prepared the enclosed check-list of the types of statutory authority States will need.

It is our hope that you will work with your State attorney general, State air pollution control officials, and leaders and members of your State legislature in developing and adopting any new legislation you determine to be necessary. Technical assistance will be available from the Environmental Protection Agency's Regional Offices.

No doubt, many States will have questions about air quality standards and/or implementation plans they have already adopted or are in the process of developing. To the extent that any such air quality standards are equivalent to, or better than, the national standards, those State standards will remain in effect. Implementation plans already adopted and submitted will be reviewed and, within 90 days after promulgation of the first national ambient air standards, the States will be notified of needed modifications. States now in the process of formulating implementation plans should pursue this work, making any modifications necessary to conform to the new law, so as to enable the submittal of such plans well in advance of the statutory deadline.

The new provisions of the Clean Air Act also authorize the Environmental Protection Agency to establish performance standards for new stationary sources of air pollution and emission standards for hazardous emissions from any stationary sources. The first such standards will be promulgated later this year. Enforcement of these standards may be delegated to States if they submit adequate enforcement plans. The Environmental Protection Agency will provide advice on the formulation of such enforcement plans. It is our hope that all States will assume responsibility for this activity since it is an integral part of any effective air pollution control program.

I am sure you will be interested in knowing that under the new provisions of the Clean Air Act, States will be eligible, in some cases, for a greater degree of Federal grant support than they have received previously. For the first time, the grants



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based on three-to-one or three-to-two ratios of Federal-to-non-Federal funds, which previously were available only to interstate and intermunicipal programs, will be available to State programs.

The Clean Air Amendments of 1970 will, of course, have many other far-reaching effects on Federal and State programs for the prevention and control of air pollution. It is our intention to maintain communications with State governments, primarily through our Regional Offices, so that we can readily assist you in carrying out your responsibilities under the Clean Air Act and so that our efforts and yours can be properly coordinated.

You are aware, I am sure, that the new legislation calls on Federal and State agencies to accomplish a great deal within a relatively short time. This task will require an increased commitment of resources and an increased willingness to come to grips with the complexities of air pollution control. I ask your cooperation in this important and exciting endeavor.

Sincerely yours,

*William D. Ruckelshaus*

William D. Ruckelshaus  
Administrator

3 Enclosures



### Check-list of Required State Legal Authority\*

1. Authority to adopt emission standards and limitations and any other measures necessary (e.g., limitations on the sulfur content of fuels) for attainment and maintenance of national ambient air quality standards.
  2. Authority to enforce without delay applicable laws, regulations, and standards, with appropriate sanctions including authority to seek injunctive relief.
  3. Authority to abate pollutant emissions on an emergency basis to prevent substantial endangerment to public health, i.e., authority comparable to that available to the Environmental Protection Agency under Section 303 of the Clean Air Act, as amended.
  4. Authority to establish and operate a State-wide system under which permits would be required for the construction and operation of new stationary sources of air pollution and the construction and operation of modifications to existing sources, including authority to prevent such construction, modification, or operation, and any other necessary land use control authority.
  5. Authority to obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require record-keeping and to make inspections and conduct tests of air pollution sources.
  6. Authority to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also, authority to make such data available to the public as reported and as correlated with any applicable emission standards.
  7. Authority to carry out a program of inspection and testing of motor vehicles to enforce compliance with applicable emission standards when necessary and practicable, and other authority necessary to control transportation.
- \* An implementation plan approvable under the Clean Air Act, as amended, must show these authorities are immediately available to the State agency or agencies directly responsible for the developing and carrying out such plans. The authorities described may be provided by specific or general legislation, and must be applicable to the entire State.