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August 2, 2005

Via E-mail and U.S. Mail

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U.S. Environmental Protection Agency
Room #2344A
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Re: Oakland County's PM-2.5 Designation Challenge;
July 14, 2005 Meeting in Research Triangle Park, NC;
Air Docket No. OAR-2003-0061
RIN-2060-AM04

Dear Geoff:

On behalf of Oakland County, Michigan, I want to thank you and your colleagues at the U.S. Environmental Protection Agency ("EPA") for meeting with the County's legal and technical representatives on July 14, 2005 in Research Triangle Park. While we did not resolve our differences, it was very helpful to have a face to face discussion that included representatives from EPA's Air Quality Strategies and Standards Division, as well as the County's technical advisor, Dr. Peter Drivas of the Gradient Corporation ("Gradient").

This letter follows up on that meeting. As previously discussed, Oakland County submits this letter and the attached Microsoft PowerPoint presentation for inclusion in the administrative record at OAR-2003-0061. Oakland County will file copies directly with the administrative docket office, but would appreciate your assistance with ensuring that these documents are entered into the e-docket.

Additionally, this letter will summarize the key points raised by the County. While our summary does not capture every topic discussed, we believe that the following points were among the most important ones addressed:

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1. CMSA Reliance: Oakland County expanded on its argument that subjectivity and bias were introduced into the PM-2.5 designation process through EPA's arbitrary reliance on CMSAs. Aside from the predominantly "legal" arguments why CMSAs should not have been used as EPA's presumed designation area, we discussed Oakland County's position that using this OMB classification infected the designation process with an artificial unit that has nothing to do with ambient air quality conditions. For example, while some counties with little or no contribution to Wayne County were initially grouped together and evaluated, such as Lenawee (which was later removed) and Oakland County, others with documented and significant effects on Wayne County, such as Lucas and Wood counties (*i.e.*, the Toledo area), were not. The 9-factor analysis employed by EPA assigned 100% of the "contribution" to Wayne County solely to the counties within the CMSA, an artificial mathematical construct that demanded that a percentage of the overall emissions impacting Wayne County's measured nonattainment be ascribed to each county in the CMSA, while ignoring the substantial impacts on Wayne County's ambient air from outside the CMSA.
2. Measuring Contribution: The fine particulate annual average at Oak Park, the only PM-2.5 monitoring location in Oakland County, was measured as $12.76 \mu\text{g}/\text{m}^3$ in 2004, which is barely higher than the $11.9 \mu\text{g}/\text{m}^3$ level that EPA used as the rural background for its 9-factor analysis (*i.e.*, MK Goddard Station in Pennsylvania). In addition, Gradient's wind rose analysis shows that, when the wind is from the north, Oakland County's "contribution" to Wayne County is even less. Specifically, the annual average PM-2.5 level at Oak Park measures below $10 \mu\text{g}/\text{m}^3$ on such days, *i.e.*, below EPA's rural background. If fine particulate in Oakland County measures at or below rural background levels, the fact that ambient air from Oakland County (including the fine particulate) may reach Wayne County does not support a conclusion that it contributes to Wayne County's nonattainment.
3. The Rouge Area's Impact: The fact that Wayne County's compliance with the PM standards is controlled by local conditions in the heavily industrialized Rouge Area (at the Dearborn monitor and just west of the Fort Street¹ monitor) was previously documented by MDEQ in its recommendations for PM-2.5 designations, as well as by EPA in addressing PM-10. In particular, for PM-10, EPA went from designating only Wayne County as a nonattainment area to designating a portion of Wayne County as a nonattainment area. That approach, which recognized the dominant effect of the Rouge Area, stands in stark contrast to the approach taken for fine particulate (PM-2.5). With PM levels as a whole declining in the

¹ The Fort Street monitor is sometimes referred to as the Southwest High School monitor.

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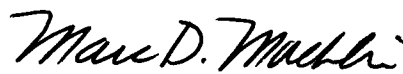
Midwest (according to EPA), it is arbitrary to expand the unit of regulation to all or most of the CMSA.

4. Monitors Between Oak Park and the Rouge Area: That fact that Oakland County is not contributing to nonattainment in Wayne County is further demonstrated by comparing data from the Oak Park, the Rouge Area monitors (Dearborn and Fort Street), and the three monitors located between them (Livonia, Linwood, and East 7-Mile). If Oakland County were having a material impact on Wayne County, one would expect the monitors near the northern border of Wayne County (*i.e.*, Livonia, Linwood, and East 7-Mile) to have higher PM-2.5 levels. Instead, the three northern-Wayne County monitors measure the lowest among the seven total Wayne County monitors. This further refutes the argument that any significant contributions to Wayne County nonattainment are coming from the north.
5. Wind Data Considered: In response to EPA questions concerning the wind data used to support our arguments, Oakland County is analyzing additional data to assess the issues of wind variability. Nevertheless, the daily resultant wind average data cited in Oakland County's submissions provides sufficient justification for the conclusions reached by Gradient regarding the impact of wind direction on PM-2.5 concentrations, especially given the averaging methodologies used by EPA for determining PM-2.5 attainment status. While some variability in wind speed and direction is likely to occur within any given day, the fact that EPA standards use daily averages suggests that using daily resultant wind average data is appropriate.

Finally, we are still reviewing and discussing a number of points that were raised by EPA during this meeting, and will be filing a supplement to our petition for reconsideration that will respond to those points. By doing so, we expect to answer many of the questions raised by EPA during our meeting.

Again, Oakland County thanks EPA for taking the time to meet with us. This meeting generated a constructive dialogue and should be helpful in moving this process forward. As always, please feel free to contact me with any questions.

Sincerely,



Marc D. Machlin

Enclosure: PPT Presentation

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cc: OAR-2003-0061 docket manager
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