UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 10 2010

OFFICE OF
AIR AND RADIATION

The Honorable Robert Martin
Commissioner
New Jersey Department of Environmental Protection
Post Office Box 402
401 East State Street
Trenton, New Jersey 08625-0402

Dear Commissioner Martin:

I would like to update you on the status of the U.S. Environmental Protection Agency's (EPA) review and analysis of New Jersey's two submittals, dated May 2010 and September 2010, concerning emissions from the Portland Generation Station. Please be assured that the Agency views New Jersey's petitions under Section 126 of the Clean Air Act as a matter of great importance, and we are carefully weighing the technical information supporting the petitions.

As a practical matter, EPA needs to consider these submittals as two separate petitions because the first submittal concerns the $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) and the 3-hour and 24-hour average SO_2 NAAQS while the second submittal addresses the one-hour SO_2 NAAQS which was not in effect at the time of the May 2010, petition and could not have been part of that earlier petition.

The scope of the second petition is more limited than the first, and the supporting material on its face appears more compelling. We believe the time needed to analyze this petition will be less than that needed to complete our analysis of the first petition. Accordingly, we plan to move forward on our review of the second petition first in order to effect a resolution of New Jersey's concerns as quickly as possible.

We expect to issue a proposed response to the second petition in February 2011. Addressing the technical issues requires additional analysis, including supplemental modeling, to determine a potential remedy that considers the best science. We also want to make sure that data from the recently sited air quality monitor are quality assured so they can be evaluated as part of our review. Additionally, EPA's rulemaking process requires that scientific, economic, and policy issues be adequately addressed, with input from the public and the regulated community. The technical analysis and rulemaking process cannot reasonably be completed in a way that is thoughtful and legally defensible within 60 days. Therefore, EPA plans to publish shortly in the *Federal Register* a 6-month extension in connection with the second petition. This does not necessarily mean that EPA will take a full 6 months to decide this issue. In fact, as I mentioned earlier, EPA plans to make its proposal in February 2011.

We also plan to continue work on responding to the first petition. We are working to respond as quickly as possible. In light of the plan previously described for the second petition, I anticipate issuing a proposed response to the first petition concurrently with the second, or as soon as possible thereafter.

I also want to let you know that EPA will honor New Jersey's request to hold a public hearing on the proposed determination in New Jersey, and we welcome any suggestions regarding possible venues that could satisfy your request.

If you would like to discuss EPA's process for evaluating the 126 petitions, please do not hesitate to contact me, or your staff may contact Rhea Jones in EPA's Office of Air Quality Standards at (919) 540-2940.

Sincerely,

Gina McCarthy
Assistant Administrator

cc: Judith A. Enck, Regional Administrator, EPA Region 2
Shawn M. Gravin, Regional Administrator, EPA Region 3