



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

RECEIVED

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AIR QUALITY DIVISION

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REPLY TO THE ATTENTION OF

Lynn Fiedler
Director
Air Quality Division
Michigan Department of Environmental Quality
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909-7973

Dear Ms. Fiedler:

Thank you for notifying us of the recent decision of the State of Michigan Court of Claims in *U.S. Steel Corp. v. Michigan Dep't of Environmental Quality*, Case No. 16-000202-MZ (October 4, 2017), which invalidated Michigan Rule 430. The U.S. Environmental Protection Agency understands that this rule would have secured important sulfur dioxide (SO₂) reductions from the U.S. Steel facility in Southwest Detroit.

I share with you your disappointment on the court's decision, as Rule 430 was a critical component of Michigan's plan to attain the health-based SO₂ standard in the Detroit area. Without an enforceable mechanism to secure the pollution reductions from Rule 430, EPA does not see a viable path forward to approve the State Implementation Plan (SIP) that Michigan Department of Environmental Quality (MDEQ) submitted to the EPA on June 30, 2016. EPA remains very concerned about the SO₂ problem in Detroit and the impacts on the health of residents in the area.

I would like to schedule a meeting with you to discuss any available options that the state may be considering to address the effects of the recent court ruling and to secure the pollution reductions needed to bring the area into attainment of the SO₂ National Ambient Air Quality Standards.

As you are aware, EPA will be obligated to issue a Federal Implementation Plan (FIP) for the area if a SIP is not fully approved by April 18, 2018. It is our preference that Michigan have a fully approved SIP to address the SO₂ standard in Detroit. EPA is available to assist in any way possible to help remedy the gaps in the plan created by the October 4th court decision. We will continue to work with Michigan in an ongoing assessment of whether we can fulfill our statutory obligations through reliance on state plan development.

In parallel, we believe we should also begin planning to meet our FIP obligation in the event that a viable pathway to full SIP approval does not emerge. To the extent practicable, we will use the information that the state developed in support of its June 30, 2016 submission, as well as any additional information that the state develops as we move forward. Regardless of whether the resulting plan is a SIP or FIP, we believe that collaborative efforts between our agencies will be needed to ensure a successful plan. EPA will continue to work with MDEQ and sources in the

area to secure the SO2 reductions needed to address the nonattainment problem in the Detroit area. Please feel free to contact me if I can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam
Director
Air and Radiation Division