

DRAFT LETTER

The Honorable John Warner
Chairman
Senate Armed Services Committee
Washington, D.C. 20510

The Honorable Carl Levin
Ranking Member
Senate Armed Services Committee
Washington, D.C. 20510

The Honorable Duncan Hunter
Chairman
Armed Services Committee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable Ike Skelton
Ranking Member
Armed Services Committee
U.S. House of Representatives
2120 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Hunter and Skelton:
Dear Senators Warner and Levin:

I am writing you as Chairman of the Metropolitan Washington Air Quality Committee (MWAQC). The Committee has been designated under Section 174 of the Clean Air Act (CAA), for developing a strategy for attaining Federal air quality standards. This responsibility is carried out through a partnership among the States of Maryland and Virginia and the Government of the District of Columbia, and the region's local governments in the non-attainment area.

The purpose of this letter is to urge you to oppose any statutory changes that would exempt the U.S. Department of Defense (DOD) from provisions of the Clean Air Act (CAA).

We understand that the U.S. Department of Defense (DOD) is seeking amendments to various environmental and public health statutes that would provide broad exemptions for purposes of military readiness, including exemptions from the CAA. These amendments would exempt DOD from statutory requirements that currently hold the military, like all other sources of air pollution, accountable for its emissions. Specifically, emissions caused by military readiness activities conducted in areas with air quality that does not meet federal health-based standards would be exempt from the "general conformity" provisions of the Act, which require that such emissions conform to the State Implementation Plans designed to meet the health-based air quality standards. Under the proposed amendments, DOD would have up to three years from the date an exempted activity begins before it must comply with Section 176(c) of the CAA.

We are pleased that Congress has three times rejected adoption of the CAA exemptions and we urge you to do so again this year. We believe that the CAA exemptions DOD is seeking are unwarranted and could impede our efforts to attain and maintain health-based National Ambient Air Quality Standards (NAAQS).

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The exemption is unnecessary. We fully recognize that DOD must be able to take immediate action for the purposes of military readiness. We believe that such exemptions are unnecessary, in that the CAA already provides DOD ample flexibility to carry out its duties. For example, we are aware of national security exemptions that give the President authority to grant exemptions to any DOD facility if necessary for military readiness. With that protection, it is far better policy for the nation to encourage compliance with CAA rather than to start handing out exemptions and retreating from public health protections.

The exemption may impede attainment of air quality standards. A critical element of the SIP is the emissions budget, which is the amount of air pollution an area can accommodate and still meet the health-based air quality standard. This budget is divided among all sources in the area, which must then operate so that their respective emissions remain within their allotment of the budget. Allowing the military to unilaterally decide that its emissions need not remain within its allotted budget will result in excess emissions and unhealthy air. We find this unacceptable to public health and unfair to other regulated sources. States and localities in the Metropolitan Washington, DC-MD-VA have dedicated resources and adopted numerous measures to reduce pollution in the region to meet CAAA deadlines. Because we have the responsibility to deliver truly healthful air to the public we serve, we will have no choice but to return to other sectors and ask for additional reductions in order to make up for the excess emissions from military facilities.

We are also concerned about the fact that, under the proposed legislation, EPA would be allowed to approve areas as being in attainment with the ozone, carbon monoxide and PM10 air quality standards – even when those areas in fact are not in attainment with those standards – if the area would be in attainment but for air pollution from military readiness activities. We do not support allowing military readiness activities to cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS), increase the frequency or severity of such violations, or delay timely attainment of the standards or interim milestones. We oppose any approach that would undermine the integrity of health-based air quality standards by designating air quality to be healthy when it is not.

We respectfully urge Congress to reject DOD's proposed amendments to the Clean Air Act and to urge the military, like all other sources of emissions, to take responsibility for the pollution it creates and do its fair share to clean up our nation's air.

We hope you will raise these issues when the bill is discussed and voted upon.

Thank you for responding to our concerns regarding the proposed Clean Air Act exemptions for military readiness activities and its potential to delay cleaner, healthier air for the Washington region.

Sincerely,

Dana Kauffman, Chair