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CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

May 5, 2016

Mr. Ali Mirzakhali
Director, Division of Air Quality
Delaware Department of Natural Resources
and Environmental Control
655 South Bay Road, Suite 5N
Dover, DE 19901

Dear Mr. Mirzakhali:

Thank you for appearing before the Subcommittee on Energy and Power on Thursday, April 14, 2016, to testify at the hearing entitled "H.R. 4775, Ozone Standards Implementation Act of 2016."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on May 19, 2016. Your responses should be mailed to Will Batson, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to Will.Batson@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Ed Whitfield
Chairman
Subcommittee on Energy and Power

cc: The Honorable Bobby Rush, Ranking Member, Subcommittee on Energy and Power

Attachment

Additional Questions for the Record

The Honorable Frank Pallone

1. Section 3(d) creates a loophole in the law, that if EPA fails to meet new procedural requirements, the bill would allow a facility to get a permit by measuring its emissions against an outdated, less stringent air quality standard. In your testimony you call this “amnesty.” What is the practical effect of allowing a new facility to be permitted under an outdated standard?
2. Section 3(d) of the bill also shifts the burden of air quality improvements from new to existing industrial facilities. How will this affect existing industrial sources in your state, particularly if a new facility pushes an area into violation of the air quality standards? Do you think this approach is cost-effective?
3. Has your state ever been unable to issue preconstruction permits because EPA had not issued guidance or implementing regulations for a new air quality standard? Is this a situation that states have the ability to handle?
4. A number of proponents have stated that the bill does not “roll back” the new ozone standard, or any Clean Air Act requirements or protections. Do you agree with this assessment? Could you give a few examples?
5. Proponents of this bill indicate that section 3 is intended to facilitate more efficient implementation of air quality standards by states. In your opinion, are the provisions of H.R. 4775 likely to help or hinder implementation of NAAQS requirements by states?