



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

JUN 24 2015

OFFICE OF  
AIR AND RADIATION

Mr. Eric Schaeffer, Director  
Environmental Integrity Project  
1000 Vermont Avenue, NW  
Suite 1100  
Washington, DC 20005

Dear Mr. Schaeffer:

This letter is in response to your Request for Correction (RFC #15001<sup>1</sup>) on behalf of the Environmental Integrity Project, dated February 23, 2015, and received by the U.S. Environmental Protection Agency pursuant to the *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (EPA IQG)<sup>2</sup>. Your request cites concerns about the objectivity and utility of information related to statements concerning sulfur dioxide monitoring in the reconsideration of the startup and shutdown provisions in the Mercury and Air Toxics Standards ("MATS Rule"), 79 FR 68777 (November 19, 2014), and the EPA's earlier position on the accuracy of monitoring of sulfur dioxide under the Acid Rain program.

The subject matter of this RFC is related to a case challenging the final reconsideration of the startup and shutdown provisions in the MATS rule that is currently pending before the U.S. Court of Appeals for the D.C. Circuit. *Utility Air Regulatory Group, et. al. v. EPA*, Case No. 15-1013 (consolidated with cases 15-1015 and 15-1016). These consolidated cases are currently being held in abeyance pending a decision from the Supreme Court in a challenge to the MATS rule in *Michigan v. EPA*, Case No. 14-46 (and consolidated cases). Since the issues raised in your RFC are related to statements in a rule that is subject to upcoming litigation, the EPA is deferring consideration of your request at this time.

However, if at the conclusion of the litigation your data quality concerns have not been addressed, you may resubmit this request. If you choose to submit an RFC within 90 days of the conclusion of the litigation, please send your written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811A, U.S. EPA, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460) or electronic mail ([quality@epa.gov](mailto:quality@epa.gov)). Additional

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<sup>1</sup> <http://epa.gov/quality/informationguidelines/documents/15001.pdf>

<sup>2</sup> *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*, EPA, 2002. (67 FR 63657).

information about how to submit an RFC is listed on the EPA IQG Web Site ([www.epa.gov/quality/informationguidelines](http://www.epa.gov/quality/informationguidelines)).

Thank you for your interest in EPA's information quality.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

cc: Ann Dunkin, EPA CIO  
Monica Jones, Director, Quality Staff