



STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
ALBANY, NEW YORK 12224

ELIOT SPITZER
Attorney General

(518) 474-7330

November 6, 2003

EPA Administrator Mike Leavitt
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Administrator Leavitt:

I write to urge you to intervene in the recent decision to re-evaluate Clean Air Act enforcement cases involving violations of the New Source Review program unless they are also violations of the newly announced interpretation of New Source Review.

You have said that balance and stewardship will be at the heart of your environmental policy. There is nothing balanced about a unilateral decision not to enforce the Clean Air Act. An enforcement program that allows additional air pollution to destroy the Adirondack lakes and aggravate urban smog is not stewardship.

Accordingly, I request that all enforcement files for NSR violations and investigations that are not being pursued be promptly provided to State Attorney General offices for review and possible enforcement action. Tax dollars were spent on these investigations, and it is only fair to the public to share this information with officials who are interested in taking action to protect air quality in their communities, even if the Environmental Protection Agency is not.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to be "Eliot Spitzer", written over a printed name and title.

ELIOT SPITZER
Attorney General