

May 26, 2005

VIA E-MAIL & FEDERAL EXPRESS

United States Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Attn: Robert D. Brenner,
Principal Deputy Assistant Administrator

Re: **Request for Reconsideration of Petitioner's Request for Correction of Information and to Prevent EPA's Approval of Air Credits and State Implementation Plan Amendments that Violate EPA's Data Quality Guidelines**

Dear Mr. Brenner:

On behalf of Petitioner, The Sherwin-Williams Company, we respectfully submit this Request for Reconsideration of Petitioner's Request for Correction of Information pursuant to the Data Quality Act and EPA's implementing guidelines. We maintain that for numerous State Implementation Plan (SIP) approvals both proposed and recently finalized that the only data submitted by the states supporting an assessment of the air quality benefits and emissions reduction credits associated with such approvals was a report prepared in 2001 by E.H. Pechan & Associates, and related spreadsheet (Pechan Report). As fully set forth in our petition, dated June 2, 2004, and attached hereto (w/out appendix), we believe that the Pechan Report fails to meet the criteria established by the Data Quality Act. Therefore, we request that prior to any adoption, endorsement or dissemination by EPA of the Pechan Report, the Agency determine whether such report violates the criteria established by the Data Quality Act and EPA's implementing guidelines.

In your response to our Request for Correction, on February 25, 2005, you indicate that "EPA is not relying on the VOC emissions reduction calculation of the Pechan Report, and by approving these state AIM regulations, EPA is neither adopting nor endorsing the data or conclusions in the Pechan Report." Although we believe EPA should have conducted a thorough review of the air quality benefits prior to any SIP approval, we believe a determination of whether the Pechan Report meets the criteria of the Data Quality Act and EPA's implementing guidelines is both timely and appropriate.

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EPA has recently approved SIP revisions pertaining to Metropolitan Washington, D.C., severe ozone non-attainment area and in support thereof indicated that it would conduct an assessment of the Pechan Report. We support such an assessment of the Pechan Report and, furthermore, maintain that the Data Quality Act now demands such a result. Therefore, we respectfully submit that EPA: 1) reconsider its decision to deny our Petition for Correction of Information, dated June 2, 2004, 2) find that the Pechan report fails to meet the criteria of the Data Quality Act and EPA's implementing guidelines and 3) consider the data proffered by Petitioner in its Request for Correction as an appropriate basis for the assessment of air quality benefits and emissions reduction credits under Data Quality Act and EPA's implementing guidelines.

We would like to meet with you at your earliest convenience to discuss this matter and, if you have any questions, please contact me at (212) 728-8137.

Very truly yours,

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Robert E. Fabricant
Special Counsel

Attachments (1)