

July 7, 2000

Air and Radiation Docket (6102)
U.S. Environmental Protection Agency
Attn: Docket No. A9840
401 M Street, SW.
Washington, DC 20460

To Whom It May Concern:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), thank you for the opportunity to comment on the U.S. Environmental Protection Agency's (EPA's) Consolidated Emissions Reporting Rule (CERR) proposed in the *Federal Register* on May 23, 2000 (65 FR 33268). Specifically, the proposed rule would simplify and improve emissions reporting by consolidating reporting requirements; improving reporting efficiency; providing flexibility for data gathering and reporting; and outlining the need for a consistent inventory program.

STAPPA and ALAPCO agree with EPA that emissions inventories are critical to state and local air agencies' efforts to attain and maintain the National Ambient Air Quality Standards (NAAQS), and commend EPA for exploring ways to increase the efficiency of the emission inventory program and provide more consistent and uniform data. Historically, EPA's approach to emissions reporting has led to some inefficiency because of a lack of harmonization among federal, state and local needs. We believe that a robust CERR will help remedy that situation by simplifying emissions reporting and standardizing reporting dates for various categories of data. In support of EPA's efforts to simplify and harmonize emissions reporting requirements, we offer the following comments and recommendations:

Scope

STAPPA and ALAPCO recognize and support the concept of reporting requirements for hazardous air pollutants (HAPs). Such data are necessary in order for state and local air agencies, as well as EPA, to fulfill their legislative mandates. However, while the associations support the principle of HAPs reporting requirements, we are concerned with the lack of detail in the proposed rule, as well as the implications of proceeding directly to final rulemaking with reporting requirements that have not been subject to public comment. Therefore, we are unequivocal in our position that specific HAPs reporting requirements be formally proposed before inclusion in the final CERR.

Moreover, we are concerned that the current efforts of many states and local agencies, which have made significant progress on HAPs reporting, may be undermined by new and different federal reporting requirements. We recommend that the final rule provide adequate flexibility to incorporate existing state and local air toxics reporting programs. Furthermore, while we support the consolidation of all reporting requirements in one rule, we recommend that any HAPs reporting requirements not become part of State Implementation Plan (SIP) requirements.

In addition, any HAPs reporting requirements should allow adequate flexibility for EPA to specify and adjust the details annually through guidance proposed in a *Federal Register* notice at least 24 months in advance of the due date for reporting.

Finally, the associations believe there must be consistency between the CERR and the Title V universe of major sources. The proposed rule defines point sources by specific cutoff levels based on actual emissions. However, under the Title V program, point source cutoffs are defined according to the potential to emit. This discrepancy will result in sources that will be subject to Title V permit requirements, but will not have to report emissions under the CERR. In the interest of consolidation, we recommend incorporation of the Title V definition of major source (40 CFR 70.2) to identify point sources subject to annual emission inventory reporting requirements.

Clarity

In general, STAPPA and ALAPCO have concerns with the lack of clarity in several important areas of the proposed rule. For example, the tables and glossary in the rule's appendix, which outlines many key requirements, are confusing, contain conflicting information and are not user friendly. In addition, many key terms in the proposed rule are undefined (e.g., "PM precursors"). Finally, there is a lack of consistency of reporting requirements. For example, EPA needs to clarify which sources and data elements are required and which may be negotiated. We have provided more specific and detailed comments on the tables and glossary in an attachment.

Timing

We also have concerns regarding the proposed requirement to use 1999 data as the basis for the first inventory year. In many cases, state and local agencies have already obtained point source inventories for 1999 from major sources; therefore, it could be extremely difficult for those agencies to produce 1999-point source inventories in the format proposed by the rule. For example, many state and local agencies were not required to, and therefore did not, gather some of the data now required in the proposed rule. In light of the amount of lead time that is necessary in order for states and local agencies to notify the sources of any changed data-collection plans and to collect emissions reporting data from sources, collecting this additional data would be very time-consuming and difficult.

Therefore, we propose that the first year inventories under the rule be based on FY 2002 inventories, assuming final approval of the CERR by January 2001. In the event the rule is not finalized by January 2001, we recommend a reasonable time after promulgation be specified to ensure adequate time to meet the requirements of the rule (e.g., 12 months from date of promulgation). However, we encourage EPA to continue to collect inventory data in the interim according to the schedule in the proposed data development process for 1999 national criteria and toxics emissions inventories. Finally, nothing in our recommendation is intended to alter the current three-year reporting requirements in the rule.

Burden/Resources

While we support robust, unified emission reporting requirements, we believe that compliance with the rule will impose an enormous resource burden on states and local agencies, and that this increased burden is greatly underestimated in the proposed rule. For example, the estimate of 42 hours per state for PM_{2.5} reporting is very low and does not take into account the wide variety of emissions-gathering techniques, which can range from a relatively simple application of general particle size distribution profiles to the use of a very labor-intensive PM calculator. Moreover, in many instances, we believe that actual testing may be warranted as no credible primary data exists on which to base estimates.

Furthermore, we do not agree with EPA's assumption that consolidating reporting requirements would reduce reporting requirements by 42 percent. While consolidation may ease the current burden on some state and local air agencies, it will have little effect on others, and in many cases, actually increase the burden. Therefore, we urge EPA to provide the adequate resources (e.g., increased grant and direct funding and computer support) that will be necessary in order for state and local agencies to meet the additional requirements of the rule. In addition, the rule must provide states and local agencies with adequate flexibility on how data are submitted to EPA. This is particularly important for agencies that have been collecting information for several years in their own databases. We urge EPA to continue to provide a flexible system of data reporting that does not require state and local agencies to reallocate scarce resources to reformat data to fit a new EPA database. Additional guidance, training and improved emission factors for newly required pollutants and new processes will be necessary to enable state and local agencies to successfully implement the proposed rule.

Funding

Finally, STAPPA and ALAPCO are extremely concerned with the confusing and conflicting funding language in the proposed rule. For example, Section III.A, Item 3 of the Preamble states that grant funds have been identified to assist state and local agencies to comply with the new requirements. However, Section III.G of the Preamble states that the federal government will not provide the funds necessary to pay the direct compliance costs of the new requirements. Moreover, the source of funding, assuming it is available, is unclear. The rule contains language implying that state and local agencies would be expected to use existing Section 105 grant funding. We strongly object to the use of

already over-extended Section 105 grant monies to fund any new requirements mandated by the proposed rule and encourage EPA to identify new, non-Section 105 monies to fund requirements in the rule.

STAPPA and ALAPCO are committed to working with EPA to simplify and improve emissions reporting. Consistent, standardized and periodic reporting requirements will enable state and local agencies to collect the information needed to perform the air quality assessments necessary to properly develop the programs that will protect the health and welfare of all the people of the United States. To that end, we encourage EPA to incorporate our recommendations in the final version of the CERR. If you have any further questions, or require additional information, please do not hesitate to contact either of us, or Geri O'Sullivan of STAPPA and ALAPCO.

Sincerely,

Herb Williams,
STAPPA Chair
Emissions and Modeling
Committee

Roger Westman,
ALAPCO Chair
Emissions and Modeling
Committee

Cc: David Mobley
Bill Kuykendal

ATTACHMENT

STAPPA and ALAPCO have the following specific concerns regarding Tables 1 & 2 and the Glossary contained in the proposed rule:

Table 1: “*Summary of Requirements for Reporting Emission Inventories*”

We believe that this table lays out the core requirements of the proposed rule, and therefore, must be clear and easily useable. Although there is some clarification in the text and footnotes, the layout is confusing. Moreover, the table gives the impression that agencies are responsible for four different types of inventories with three different reporting periods. In fact, there are only two types of inventories, annual and three-year submittals, with subsets of each. Therefore, we recommend Table 1 should be organized similar to the other tables, with headings reflecting the reporting period showing what is required annually and every three years, in two vertical columns, rather than by the type of inventory. Finally, ammonia should be listed as a requirement, rather than a vague statement about “may be inventoried as . . .” with more details as to the reporting size threshold.

Table 2:

In light of the evolving nature of the NET format and the reliance upon states to provide data to be used directly, we believe that the contents of Tables 2a-2d are more detailed than necessary. In addition, the requirements appear to be inconsistent with the overall goal of table, as well as the purpose of providing data to EPA. For example, point and area source divisions between different parts of Table 2 are inconsistent. Cut-offs in Table 2a, for example should be compatible with requirements in the body of the rule. Moreover, it is unclear what happens to CO sources between 100 and 1000 tons. In the interest of clarity, we recommend revising the table to require all sources to be reported every third year as area or point, and that the every-year values should be at least for Title V facilities plus any CO source above 100 tons/year that was not a Title V facility.

Finally, all references to Rule Effectiveness should be changed to be consistent with EIIP guidelines. Rule effectiveness applies to categories of sources, not to individual equipment control efficiencies or to actual emission inventories accurately calculated for individual sources. Also, the definition of rule penetration should not be limited to just “area” sources.

Other specific comments on Table 2 are as follows:

Table 2a

- Revised Equipment Codes should be recognized here.

Table 2b

- We are uncertain as to the relevance of total capture efficiency. Does it refer to a category-wide value for each category included? This term needs to be clarified.
- SCC should reflect the anticipated PCCs.

Table 2c

- We are unclear as to what is meant by “source of emission data other than the state from which it came.” This term needs clarification.

Table 2 d

- We are unclear as to why there are annual emissions reporting requirements for a seasonal phenomenon.

Glossary

Exit gas flow rate – should specify whether at STP or at stack conditions.

Exit gas temperature – should specify whether Fahrenheit or Celsius.

Exit gas velocity – should specify units (cfm, cfs, etc).

Federal ID code (plant) – should allow for use of state codes where no such federal ID has been established. It should facilitate flexibility with state systems, not create barriers and major reformatting.

Pollutant Code – should recognize and specify that many pollutants use symbols when there is actually a code in the CAS system.

Seasonal fuel heat content – specify units.