

March 23, 2001

Mamie Miller  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance  
Assurance  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Mamie:

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 provide final comments on EPA's March 9, 2001 draft Compliance Monitoring Strategy (CMS). The associations commend EPA for the process it has established to solicit state and local feedback on this important policy, and we appreciate your continued willingness to work with us to address our concerns. STAPPA and ALAPCO recognize that a robust compliance monitoring program is a fundamental part of the air enforcement program and commend EPA for revising the existing CMS.

STAPPA and ALAPCO agree with the fundamental tenets of the new CMS guidance, particularly the aspects that encourage state and local agencies to use all available compliance monitoring data in addition to on-site inspections. Data from parametric monitoring reports, CEM and COM reports, stack test reports and malfunction reports portray a compelling story concerning the true, on-going compliance status of air pollution sources. The fact that EPA has crafted guidance for our routine use that provides 'credit' for the utilization of this information in the overall compliance monitoring program is very helpful.

Moreover, the associations are encouraged by EPA's response to our concerns -- expressed in a series of comment letters beginning on May 2, 2000 -- on the draft CMS policy. We note that EPA has recently changed all references in the policy from "shall" to "should," thereby making the policy somewhat less prescriptive for our members. We are also pleased that EPA has changed the reference to "exceptions" in section VIII of the policy to "alternative evaluation frequencies." We believe the new language makes it clear that state and local agreements with the Regions will ensure that the particular needs of individual jurisdictions are met while maintaining strong compliance programs.

Moreover, we assume that OECA and the EPA Regions will provide maximum flexibility to state and local agencies that choose to utilize this alternative; if this assumption is incorrect, please notify us as soon as possible. Additionally, we suggest that the term “unknown” in Section X of the strategy be changed to “undetermined” to more accurately reflect compliance status of a regulated entity. Finally, we are pleased that EPA has tentatively agreed to a reassessment of the strategy at some future date – after the completion of the first two-year cycle – in order to determine if it is working, and what, if any, changes need to be made.

As a result of the numerous changes EPA has made, STAPPA and ALAPCO support the March 9, 2001 CMS guidance as structured with the following conditions:

- OECA and the EPA Regions will provide maximum flexibility to state and local agencies that choose to utilize the “alternative evaluation frequencies” outlined in Section VII of the strategy, and
- After the completion of the first two-year cycle, EPA, together with state and local agencies, will assess how the strategy is working and make the necessary adjustments to ensure that the strategy is being implemented as intended.

Finally, as you know, we continue to have concerns about the inclusion of stack testing in the definition of full compliance evaluation. While state and local agencies support a greater reliance on the use of reference method testing, we believe that the permit process is the more appropriate vehicle for a stack testing initiative. However, given the flexibilities you have provided in the strategy, and the two-year reassessment to which you have agreed, we do not object to EPA proceeding with this strategy.

Again, we commend EPA for revising the existing CMS and look forward to working with EPA to implement this important policy. If you have any further questions or desire additional information, please contact either of us or Geri O’Sullivan of STAPPA and ALAPCO.

Sincerely,

Felicia Robinson  
STAPPA Chair  
Enforcement and  
Compliance Committee

Curt Marshall  
ALAPCO Chair  
Enforcement and  
Compliance Committee

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