Dear Sir or Madam:

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 this opportunity to comment on the Proposed Action related to the National Emission Standards for [Industrial Process Cooling Towers] [Magnetic Tape Manufacturing Operations], which was published in the Federal Register on October 24, 2005 (70 Federal Register 61411-Cooling 61417-MagTape).

The U.S. Environmental Protection Agency (EPA) is seeking comment on the possibility of delisting the source category under Section 112(c)(9), even though Maximum Achievable Control Technology (MACT) standards have been implemented. The delisting would be based on the possibility that emissions of hazardous air pollutants (HAPs) from the source category would be sufficiently low even in the absence of MACT standards. STAPPA and ALAPCO oppose this approach. If the source category were delisted, there would be nothing to prevent sources from increasing their HAP emissions substantially. This could result in HAP levels that are unacceptable to public health and the environment. Such an approach ignores the very real possibility that emissions of HAPs have been reduced to an acceptable level because of the MACT requirements and that emissions could increase again without the MACT standard in place.

EPA is also seeking comment on “the notion that, barring any unforeseeable circumstances which might substantially change this source category or its emissions” the agency no longer has an obligation to carry out future technology reviews under Section 112(d)(6), which calls for EPA to review and revise emission standards at least every
eight years. EPA is suggesting this because it has determined that the source category
presents low risk under the Residual Risk provisions of Section 112(f). We do not agree
that low risk from a source category at this time should absolve EPA of its obligation to
conduct future technology reviews. Without future reviews, EPA will likely not know
what technologies have been developed. Further, without periodic reviews of source
categories and technology in the future, EPA will not be aware of any “unforeseeable
circumstances” related to the source category to which the agency refers in the notice.

STAPPA and ALAPCO believe Congress did not intend for the Residual Risk
review to result in the delisting of regulated source categories or the removal of EPA’s
obligation to conduct future technology reviews under Section 112(d)(6). If Congress
had wished to make delistings and technology reviews dependent on or linked to the
outcome of the Residual Risk process, it would have specifically mandated this in the
Clean Air Act, which it did not. We do not believe that a finding that additional Residual
Risk standards are not necessary at this time should absolve sources of regulation and
future review.

Thank you again for this opportunity to comment on this important proposal. Please
do not hesitate to contact us for additional information.

Sincerely,

Robert H. Colby
Chair
STAPPA/ALAPCO Air Toxics Committee