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June 2, 2008

Robert Meyers
Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Bob:

On behalf of the National Association of Clean Air Agencies, we are writing to request that the U.S. Environmental Protection Agency (EPA) reinstate the mercury monitoring provisions from 40 Code of Federal Regulations (CFR) Part 75 and associated Test Methods 30A and 30B from 40 CFR Part 60, Appendix A that were vacated by the U.S. Court of Appeals of the DC Circuit on February 8, 2008. Following the vacatur of the Clean Air Mercury Rule (CAMR), at least 20 states have indicated that they are continuing to pursue their own state rules to address emissions of mercury from electric utilities. Indeed any state in which a new electric utility is constructed will be required to address those sources under Section 112(g) of the Clean Air Act. It is important that those agencies with their own programs or those responding to Section 112(g) have the Continuous Emission Monitoring provisions contained in Part 75 and associated test Methods 30A and 30B in place. In fact, some of the state programs reference Part 75 within their rules.

The need for federal CEM requirements is especially important in states that cannot adopt air quality regulations more stringent than those of the federal government. Additionally, because the Part 75 provisions were to be effective as of 2009, and several states were relying on those provisions for their programs, it is imperative that a new rule be promulgated as soon as possible.

We also request that in the interim and after re-promulgation of the rule EPA continue to support the mercury monitoring provisions of Part 75, as the agency had planned to do prior to the vacatur of CAMR. Since EPA already has a recordkeeping and reporting system in place as part of the acid rain program, has completed the hardest work of determining the mercury data reporting format, and is finishing the mercury data programming of the agency's data submittal tool, we do not believe that adding mercury requirements will require a significant additional commitment on EPA's part. State and local agencies will likely need the following types of support from EPA:

- Review of monitoring plans;
- Emissions and testing data quality control and quality assurance;
- Software and data format assistance;
- Responses to petitions for alternative monitoring approaches;
- Review of mercury monitoring system certifications; and
- Guidance on mercury monitoring activities to provide national consistency.

Thank you for your attention to this important matter. We look forward to working with you to restore the provisions of the vacated Part 75 mercury monitoring and Part 60 testing rules.

Sincerely,



Andrew Ginsburg
Oregon
Co-President of NACAA



Ursula Kramer
Pima County, Arizona
Co-President of NACAA