

September 7, 2000

Mamie Miller
U.S. Environmental Protection Agency,
Office of Enforcement and Compliance
Assurance
Ariel Rios Building
1200 Pennsylvania Avenue
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 comment on the U.S. Environmental Protection Agency's (EPA's) September 1, 2000 revised draft Proposed Policy on the Clean Air Act Compliance Monitoring Strategy (CMS).

We would like to take this opportunity to commend EPA for incorporating a number of the associations' comments and concerns that were discussed at our August 8, 2000 CMS meeting in Washington, DC. However, we still have the following concerns with the revised draft:

- We recommend that the term "facility" be replaced with "source" throughout the entire guidance.
- Page 3, Section IV "Scope of Policy"
 - The meaning of the first sentence is unclear. In the interest of clarification, we suggest adding the following sentence at the beginning of the policy: "It is acknowledged that state and local agencies perform additional compliance monitoring tasks that are not accounted for in this policy."
 - First full sentence of subsection (2), we recommend the following rephrasing: "synthetic minor sources with actual or allowable emissions at or above 80 per-cent of the Title V major source threshold."
- Page 4, Section V (1) "Full Compliance Evaluations"
 - Many of the concepts and definitions in this section conflict with Appendix A. For example, the second part of the first paragraph implies

that state and local agencies can exercise discretion with stack testing. This is inconsistent with our reading of Appendix A.

- It is our understanding from the August 8th meeting that an agreement on a 100 tpy actual emissions threshold was reached with regard to stack testing. This concept is not incorporated in the revised policy.
 - Second full paragraph, second sentence should be reworded as follows: “Examples include, but are not limited to, ...”
 - The third full paragraph requires that evaluations of sources on a 2-year inspection cycle be completed with a 12-month period. We are unclear as to why EPA believes this type of timeframe is necessary. Does EPA have specific concerns with evaluations that take longer than 12 months?
- Page 6, Section VI “Minimum Frequency Requirements”
 - Subsection (1): we continue to recommend that if EPA believes it is necessary to establish minimum frequency requirements in national guidance that it adopt a 3-year Title V source/4-year mega-site/5-year synthetic minor inspection frequency framework.
 - Subsection (2): clarify the 80% exemption as recommended above.
 - Page 7, Section VII “Exceptions”
 - We continue to recommend that if EPA believes it is necessary to establish minimum frequency requirements in national guidance that it adopt a 3-year Title V source/4-year mega-site/5-year synthetic minor inspection frequency framework.
 - Pages 7-8, Section VIII “Elements of a CMS Plan”
 - We continue to recommend that if EPA believes it is necessary to establish minimum frequency requirements in national guidance that it adopt a 3-year Title V source/4-year mega-site/5-year synthetic minor inspection frequency framework.
 - Page 10, continuation of Section X “Reporting Requirements”
 - Second and third bullet points: the AIRS/AFS language should mirror similar revised language on p. 9 by including phrase “...consistent with current reporting requirements.”
 - Third line from bottom: “data are” (use plural).
 - Appendix A
 - We are very concerned that the concepts and definitions in Appendix A are not consistent with the body of the policy. Moreover, with the exception of

one section, the Appendix is not referenced in the policy. We recommend that Appendix A be incorporated into the body of the policy

- In addition to our concerns with the consistency of definitions and concepts, we continue to voice our concern with the inappropriate use of the draft CMS policy to drive stack testing and again recommend that the permit process is the more appropriate vehicle for a stack testing initiative. Moreover, we would point out that all other requirements in Appendix A charge state and local agencies with “reviewing, assessing or evaluating” existing compliance material. However, the stack testing requirement (last bullet point in Appendix A) places an affirmative duty on state and local agencies to require a third party (sources) to “do” something. We believe this is inconsistent and recommend that the last bullet be reworded as follows “ An assessment of all relevant stack test data...”
- Finally, in the event you do not agree with our recommendation to assess previously-collected test data, there is no reference in this draft to testing only the emissions units that are major in size; e.g., those units with actual emissions greater than 100 TPY, as was discussed at the August 8th meeting.

Again, thank you for the opportunity to comment on the September 1, 2000 revised draft. We look forward to further discussion of our comments on our upcoming September 8, 2000 conference call. If you have any questions prior to the call, please do not hesitate to contact either of us or Geri O’Sullivan of STAPPA/ALAPCO.

Sincerely,

Felicia Robinson
STAPPA Chair
Enforcement and
Compliance Committee

Curt Marshall
ALAPCO Chair
Enforcement and
Compliance Committee