

November 10, 2014

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EPA Docket Center
U.S. Environmental Protection Agency
Mail code: 28221T
Attention Docket ID No. EPA-HQ-OAR-2013-0619
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the proposed Revisions to Ambient Monitoring Quality Assurance and Other Requirements, which were published in the *Federal Register* on September 11, 2014 (79 Fed. Reg. 54,356). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 41 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the United States. These comments are based upon that experience. The views expressed in this document do not necessarily represent the positions of every state and local air pollution control agency in the country.

NACAA commends EPA for the extensive effort it has undertaken to streamline, clarify and simplify the ambient air monitoring requirements in 40 C.F.R. Part 58 and its appendices. We also appreciate EPA's solicitation of input from state and local air pollution control agencies as the proposed rule was under development. NACAA supports the overwhelming majority of proposed revisions and believes that most of them will help preserve our member agencies' resources and make implementation more efficient. In these comments, we focus on just a few components of the proposal that NACAA believes warrant further consideration and which could, in our view, potentially be improved.

Ambient Monitoring Network Plan Requirements

Under EPA's proposed changes to 40 C.F.R. § 58.10(a)(1), state and local agencies would be required to make annual monitoring network plans available for public inspection and comment for at least 30 days prior to submission to EPA, and to reference and address any comments received in the submitted plan. NACAA agrees that public involvement in the annual network plan development process is important and desirable. The regulations should, however,

accommodate the fact that addressing public comments and preparing thorough responses requires a substantial amount of agency time and resources. Some NACAA members are concerned that requiring the responses to comments to be included in the plan submittals themselves will add at least two months to the plan development process. We also note that making responses to comments a required part of a complete plan submittal would limit agencies' flexibility to modify their plans to address late-arising issues (for example, if an emergency develops that makes a monitoring site unsafe for agency staff).

NACAA urges EPA to consider options that would give state and local agencies more flexibility to address public comments and respond nimbly to changing circumstances without significantly extending the already-lengthy plan development and submittal process. For example, EPA could consider allowing agencies to submit their responses to comments in a separate document some time after submitting their annual monitoring network plans to EPA, but before the plan is approved. In any event, the content of state and local agencies' responses to comments should not affect whether or not EPA approves the plan. That approval should depend only upon whether the plan meets all applicable requirements of the monitoring regulations.

EPA also proposes to revise § 58.10 to add a statement that "the Regional Administrator may require the submission of additional information as needed to evaluate compliance with applicable requirements of Part 58 and its appendices" when considering state and local agencies' annual monitoring network plan submittals. The preamble does not address why this addition is being proposed, and the proposed regulatory language is vague and open-ended. NACAA is concerned that in the absence of further guidance on this issue, there may be significant differences among the EPA regions regarding the level of information deemed "required" in order to evaluate plan submittals. In our members' experiences, the EPA regions vary greatly in their views on this issue. We suggest that EPA consider amending the language to more clearly define circumstances under which the regions may require additional information in order to approve an annual monitoring network plan.

System Modification

The proposed revision of § 58.14 regarding network modification plans provides: "The state, or where appropriate local, agency shall develop and implement a network modification plan and schedule to modify the ambient air quality monitoring network that *implements the findings* of the network assessment required every 5 years by § 58.10(d). ..." (emphasis added). EPA should clarify that state and local agencies are not required to implement findings in the 5-year network assessment that are not necessary for meeting the requirements of the monitoring regulations. Many elements of the 5-year assessments do not rise to this level. For example, they include findings of whether "existing sites are no longer needed and can be terminated," 40 C.F.R. § 58.10(d), but clearly, state and local agencies should retain the discretion to decide whether to decommission monitoring sites that are no longer "needed" to meet the Appendix D objectives. EPA should consider amending the language in § 58.14 to read as follows: "The state, or where appropriate local, agency shall develop and implement a network modification plan and schedule to modify the ambient air quality monitoring network. The network modification plan shall reference the findings of the network assessment required every 5 years

by §58.10(d) and shall discuss which findings the state or local agency intends to implement and which findings, if any, the agency does not intend to implement.”

Additional Comments

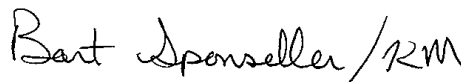
NACAA has long believed that there is a need for additional regulations or clarifications regarding the criteria under which monitors may be decommissioned. We would like to reiterate our support for adding or streamlining monitoring “off ramp” provisions in this rule and in future proposed rules. For example, NACAA suggests that EPA consider making clarifying revisions to 40 C.F.R. § 58.14(b)(1), which provides that a state or local agency may seek approval to discontinue operating a SLAMS monitor if several conditions are met, including that the monitor “has a probability of less than 10 percent of exceeding 80 percent of the applicable NAAQS during the next three years based on the levels, trends, and variability observed in the past.” In our experience, there is a lack of consensus as to how to perform that calculation, and additional guidance from EPA on this issue is necessary.

NACAA appreciates the opportunity to participate in the rulemaking process. We urge EPA to consider the recommendations above as it works to improve the final rule. Please contact Karen Mongoven of NACAA if we can provide any additional information.

Sincerely yours,



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