

June 18, 2015

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Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mailcode: 28221T
Attention Docket ID Number EPA-HQ-OAR-2009-0174
U.S. Environmental Protection Agency
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 Electronic Reporting and Recordkeeping Requirements for New Source Performance Standards, which were published in the *Federal Register* on March 20, 2015 (80 *Federal Register* 15100). 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.

In general, NACAA supports movement towards electronic reporting and recordkeeping of air quality data. Such strategies can ultimately result in greater efficiencies and cost savings and allow for easier access, transfer, management, transparency and analysis of important air quality data. In the digital age, electronic information management is becoming more widespread and it is inevitable that these strategies are the way of the future. However, it is important that moving to an electronic system be done with as little disruption of existing programs and duplication of effort as possible. The following are some concerns and recommendations we would like to offer related to EPA's proposed rule.

Public Access to Quality Data

One benefit of an electronic reporting system is that it can provide greater access to important air pollution data that communities should have when making decisions that will affect local public health and welfare. However, the public will not be served if the sharing of data is done in a way that causes confusion and misinformation. EPA itself acknowledges in the proposal the importance of ensuring that the data are as "complete and accurate as possible" (80 *Federal Register* 15105).

Under the proposed rule, the public would have access to the data that the sources submit to EPA's Compliance and Emissions Data Reporting Interface (CEDRI) after 60 days. During the 60-day period before public access, delegated agencies will have the opportunity to review the data. Our concern is that we understand that data that has not yet been reviewed will not include any sort of flag or caveat to indicate that it has not been examined. Therefore, if a delegated agency is unable to review the data during the 60-day period, or if EPA does not do so, it will automatically become publicly available and the public will have no way of knowing that the information has not been quality assured or otherwise reviewed by a government agency. Such a situation could lead to unnecessary misinformation, confusion and concern on the part of the public and extra effort for governmental agencies and facilities to correct the data after the public release.

We recommend that EPA not make the data in CEDRI available to the public until EPA and/or the delegated agency, if it wishes to, has had the opportunity to review it and work with the sources to ensure it is of high quality. At the very least, EPA should ensure that if data that has not been reviewed by a federal, state or local agency must be released to the public it includes clear flags or caveats to let the public know that it has not been evaluated. It is important to note that, since state and local agencies use varying reporting and review methodologies and not all state or local agencies will have the wherewithal, resources or wish to review these data, the ultimate responsibility to verify the accuracy of the database belongs to EPA.

Additionally, some of the timing and procedures in the proposal related to the data review and correction processes are unclear. For example, if an air quality agency believes that a facility's report is incomplete or incorrect, what is the procedure for requesting the submission of additional information into the system? If additional information is requested, does that halt the 60-day clock until the information is submitted? Can a report be corrected if an error is discovered after it is available in WebFIRE? We recommend that EPA clarify these issues before making the rule final.

Use of a Web-Based System

NACAA suggests that EPA provide an accessible, user-friendly web-based reporting system in lieu of the current Microsoft (MS) Access-based electronic system or any other software-dependent reporting system. With the MS Access system, files – some of which can be quite large – must be saved and e-mailed back and forth. A web-based system would make the sharing and analysis of information more efficient and user-friendly. A web-based system would also better accommodate small businesses and other entities that do not support MS Access or other similar software and therefore make compliance assistance easier for state and local air quality agencies.

We recommend that a transfer to a web-based system take place as soon as possible, preferably prior to implementation of the rule, in order to minimize the number of entities and staff that would have to learn the MS Access system first and then later a web-based one. Additionally, if EPA plans to expand electronic reporting, it would be beneficial if the newly expanded requirements can begin on a web-based platform.

Meshing Federal Electronic Reporting with Existing State and Local Programs

Some state and local air quality agencies already have electronic reporting systems and may wish to have the ability to have the information in the federal and state/local systems flow back and forth in an automated fashion. This will avoid duplication of effort and extra work for agencies and the regulated community. We urge EPA to work with state and local agencies to maximize the potential for meshing their electronic reporting programs with the federal system. For example, if EPA is going to transfer the system to a web-based one, it should do so in such a way as to facilitate automated transfers.

Additionally, we are concerned with the lack of clarity in the proposed rule about the interface between CEDRI and the Integrated Compliance Information System-Air (ICIS-Air) and what this combination will look like or mean for electronic reporting and data retention of submitted information. If the systems will share information, we suggest that EPA develop a common identifier between the two databases so that information can be shared efficiently and accurately.

Changes to Minimum Data Requirements

EPA has noted that the move to an electronic reporting system is not intended to change the minimum data requirements of the program. However, it is sometimes the case that process amendments can result in substantive changes, some of which can be difficult and costly to accommodate. We encourage EPA to carefully consider any comments it receives from individual agencies identifying unintended changes to minimum data requirements and to remain flexible as it works with individual agencies to tailor the program to avoid additional requirements or duplication of effort.

Compliance Elements

The proposal states, “We are not proposing any changes to how facilities interact with their air agencies. Air agencies will continue to receive reports in the format that they currently require unless they specify otherwise to facilities...” (80 *Federal Register* 15103). Additionally, state and local agencies are not required to participate in the program if they choose not to (80 *Federal Register* 15116). However, if a source does not submit the required information into the electronic system under this proposal rule, or submits information incorrectly, does that become an enforceable requirement that the state or local agency will be required to address? If so, then the program would in fact be one that changes the way sources interact with their state or local air agencies. EPA should recognize this concern and address it in the final rule.

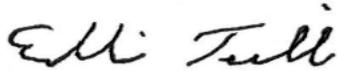
Additional Resources and Training

While there may be long-term benefits and efficiencies related to using an electronic-reporting system, the changeover will most likely require additional resources for state and local air agencies, both for training of agency staff and providing compliance assistance to sources. Therefore, we encourage EPA to provide adequate additional federal funding for these efforts as

well as training for state and local agency staff and the regulated community. In addition, EPA should coordinate with state and local air agencies in the outreach process for sources, to ensure continued consistency and accuracy in reporting.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



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Oklahoma
Co-Chair
NACAA Air Toxics Committee



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