

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

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Air Docket
U.S. Environmental Protection Agency
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1200 Pennsylvania Avenue, NW
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To Whom It May Concern:

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 provide comments on the U.S. Environmental Protection Agency's (EPA's) June 10 "Supplemental Proposal for the Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (the Clean Air Interstate Rule)" published at 69 *Federal Register* 32684. STAPPA and ALAPCO fully support the agency's right to collect data in order to compile accurate emissions inventories and are aware that our mutual goal of achieving reductions of emissions and enhancing public health can only be realized if reliable information about existing emissions is available.

That said, it is hardly apparent that a Supplemental Rule on Transport would address the Consolidated Emissions Reporting Requirements (40 CFR Part 51, Subpart A) (CERR) Although we appreciate that EPA attempted to communicate that changes to existing reporting requirements were included in this Supplemental Rule, STAPPA and ALAPCO are nonetheless disappointed and concerned that no discussion or notice preceded these proposals. In fact, the 45-day opportunity to comment on these proposals is completely inadequate and diverges sharply from the history of the development of the CERR. The associations call EPA's attention to these key events of the past in order to contrast the present proposals with the development of the original CERR.

- June 1998, EPA releases Draft Consolidated Emissions Reporting Rule for the reactions and suggestions of STAPPA and ALAPCO.
- May 23, 2000, EPA proposes CERR and comment period ensues.
- July 7, 2000, STAPPA and ALAPCO submit comments on CERR

- September 12, 2000, STAPPA and ALAPCO submit revised comments on the CERR to EPA, including a revision of the associations' prior recommendation for the definition of point source within the rule.
- July 12, 2001, EPA's CERR HAPs Questionnaire is circulated.
- October 5, 2001, EPA/STAPPA/ALAPCO HAPs Survey Results are released.
- June 10, 2002, EPA's final CERR Rule is published in the *Federal Register* with a summary prepared by EPA outlining the major provisions of the rule.

In sum, careful consideration and extensive dialogue preceded the present CERR. The currently proposed changes, on the other hand, were preceded by no discussion whatsoever with the affected agencies. STAPPA and ALAPCO feel strongly that a separate rulemaking on the proposed CERR changes – apart from the Interstate Transport Rule – should have been undertaken. Such a process should have been accompanied by either an advance notice of proposed rulemaking (ANPR) or, at a minimum, several opportunities for discussion with EPA. If these steps had been undertaken, the affected state and local agencies would have been provided with adequate opportunity for discussion, review and comment on the proposed reporting changes.

STAPPA and ALAPCO have the following specific comments on the proposed reporting requirements:

1. Because the CAIR rule has not been promulgated, the associations believe that it is premature to comment on the nature and frequency of the emissions reports that will be necessitated by the rule. STAPPA and ALAPCO advocate deferring this determination until EPA has considered the comments and opinions of all stakeholders on the proposed CAIR rule, as well as the Supplemental, and finalized the rule. A separate rule could then be proposed supplementing or revising existing reporting requirements by addressing specified data elements for all sources subject to the CAIR-related controls.
2. With regard to the proposal to use the definition in 40 CFR Part 70 to determine which point sources should be reported, STAPPA and ALAPCO support this change. The associations agree that using data derived from the universe of Title V point sources based on the sources' potential to emit (PTE) levels will facilitate emissions reporting under the CERR. With regard to Footnote 8 at 69 *Federal Register* 32696, STAPPA and ALAPCO oppose the introduction of the term "non-point sources" to replace "area sources" of criteria pollutant emissions, so as to distinguish them from area sources of HAPs. Adding another classification to that of point, area, on-and nonroad mobile, and biogenic, will create needless confusion and serve no useful purpose.

EPA has also proposed several changes that do not expand existing reporting requirements. With regard to these changes:

3. STAPPA and ALAPCO support harmonizing the reporting dates by adopting the 17-month, rather than the 12-month reporting cycle. The state and local agencies prefer strongly to retain the systems that they have developed under the existing CERR. The associations seek clarification, however, concerning whether this change would impact the five-month reporting value of the NO_x SIP call or the quarterly reporting value of the CERR.
4. The associations prefer to discuss EPA's rationale regarding elimination of the special all sources report due December 31, 2008 rather than advocating its elimination at this time.
5. With regard to biogenic emissions, STAPPA and ALAPCO support the elimination of the requirement for reporting annual and typical ozone season day biogenic emissions.
6. The associations do not object to the provision that would allow the states the option of providing emissions inventory estimation model inputs in lieu of actual emissions estimates for some source categories. Nonetheless, STAPPA and ALAPCO support the use of model inputs only insofar as such use is an option – not a requirement. The associations note that many states have developed and wish to retain their own emissions inventories, which they have customized to include state-specific source categories and data elements.
7. STAPPA and ALAPCO find acceptable the elimination of the requirement that all states submit a winter work weekday emissions report provided the data elements necessary for such a determination are required to be reported (i.e. "hours per day," "days per week," "weeks per year," and "winter throughput (percent)"). The ability to generate winter daily emissions is particularly important for the relatively poorly quantified emissions of PM_{2.5} and pollutants involved in PM_{2.5} formation, such as SO₂, NO_x and NH₃.

Finally, EPA has invited comment on four proposals:

8. STAPPA and ALAPCO strongly support retention of currently required data elements, including heat content (fuel), ash content (fuel), sulfur content (fuel) for fuels other than coal, activity/throughput, hours per day in operation, days per week in operation, weeks per year in operation, and start time in the day.

9. STAPPA and ALAPCO do not consider the current data elements that describe emissions control equipment type and efficiency to be adequate. The associations invite dialogue with EPA concerning how these data elements are inadequate and in what way they should be supplemented or otherwise improved.
10. STAPPA and ALAPCO support generally EPA's proposal to retain the reporting requirement for summer day emissions from all sources at 3-year intervals but to restrict it to only States with ozone nonattainment areas or for which EPA proposes a finding of significant contribution to ozone nonattainment in another state. The associations look forward to working with EPA to arrive at a defensible methodology for determining what constitutes a "finding of significant contribution" to ozone nonattainment in another state.
11. With regard to data elements for point source stacks, STAPPA and ALAPCO support continuing the requirement for reporting stack diameter and requiring as well either (but not both) of the other two elements – exit gas velocity or exit gas flow rate – to be reported.
12. The agency proposes also to modify section 51.35 of subpart A to provide that if States obtain one-third of their necessary emissions estimates from point sources and/or prepare one-third of their non-point or mobile source emissions estimates each year on a rolling basis, they should submit their data as a single package on the required every-third-year submission date. STAPPA and ALAPCO request that EPA articulate the rationale for this possible change and invite further dialogue with the agency on whether and how it would in fact be beneficial.

Thank you for this opportunity to comment on the proposed reporting changes to the CERR contained in the Supplemental CAIR Rule. We look forward to working with you and to continued discussions on the reporting requirements in issue. Please do not hesitate to contact me or Mary Stewart Douglas should you wish to discuss any of the matters raised by the state and local agencies in this letter.

Sincerely yours,



Roger Westman
Co-Chair ALAPCO