

August 10, 2009

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Area Source NESHAP for Asphalt Processing and Asphalt
Roofing Manufacturing Docket
Docket ID No. EPA-HQ-OAR-2009-0027
U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Mailcode: 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies, thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing, which were published in the *Federal Register* on July 9, 2009 (74 *Federal Register* 32822). The National Association of Clean Air Agencies (NACAA) is the national association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country.

NACAA supports the establishment of effective regulations to reduce emissions of hazardous air pollutants from area sources, pursuant to the mandates of the Clean Air Act. The adverse effects of the emissions from these sources in the aggregate are significant and should be ameliorated. In order for these rules to be implemented properly, however, EPA should provide sufficient additional funds for state and local clean air agencies to carry out this important work. Currently, federal grants fall far short of what is needed to support state and local agencies in carrying out their existing responsibilities. In recent years, federal grants for state and local air programs have amounted to only about one-third of what they should be and budget requests for recent years have called for additional cuts. Additional area source programs, which are not eligible for Title V fees, will require significant new resources for state and local air agencies, above and beyond what is currently provided.

Without additional funding, some state and local air agencies may find it difficult to adopt and enforce additional area source rules. Even for permitting authorities that do not adopt the rules, it is possible that implementation of the area source standards will increase the workload and resource needs of state and local agencies. For example, synthetic minor permits (or Federally Enforceable State Operating Permits) may need to incorporate all applicable requirements, which

would include the area source standards. These requirements also must be enforced. However, Title V permit fee funds are not available for those efforts and many state and local air agencies do not have sufficient resources for these responsibilities. Accordingly, NACAA recommends that EPA provide state and local air agencies with sufficient additional grants so that they may participate in the implementation of these important area source rules.

NACAA believes it was the intent of the Clean Air Act that the area source program result in reductions in emissions from area sources of hazardous air pollution. It is, therefore, disappointing when an EPA notice states, as this one does, that “[w]e believe that all asphalt processing and asphalt roofing manufacturing facilities will be able to meet the proposed standards using existing controls...” and that “...no additional air pollution control devices would be required” (page 32830). We are concerned that such proposals are merely paperwork exercises and are not responsive to Congress’ intent when it included the area source provisions in the Clean Air Act. We recommend that in this rule and in future area source proposals, EPA incorporate provisions that will provide additional public health protection from the adverse effects of emissions of hazardous air pollutants from area sources.

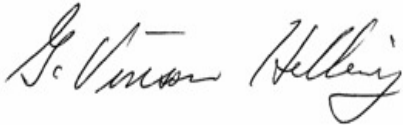
NACAA offers the following specific comments on the proposal:

- *Startup, Shutdown and Malfunction* – With respect to the Startup, Shutdown and Malfunction (SSM) provisions, the proposal provides that the standard would apply on a rolling 24-hour basis during SSM events, rather than on the usual rolling three-hour average basis (page 32826, 1st column and Table 4, footnote b). NACAA has concerns about this provision in light of the public health impacts of excess emissions during SSM episodes.
- *High Efficiency Filters* – For high efficiency filters, Table 4, 2.b requires that facilities maintain “the 3-hour average pressure drop across device at or below the operating value established during the initial emission test” (page 32837). However, if after the initial test, the filter develops a tear or it is removed, the pressure drop would decrease lower than during the initial test. In the scenario described, the filter removal or tear would not cause a violation of the operating limit but the air pollution control device would not be operating properly. Alternatively, operation at a pressure drop slightly higher than the average established during the initial emission test would not necessarily indicate poorer performance of the filter. NACAA recommends that Table 4, 2.b require maintenance of the three-hour average pressure drop to within a specified range established during the initial emission test.
- *Compliance Demonstrations* – The proposal allows results of performance testing conducted during the past five years to show compliance and indicates that a source must be able to demonstrate that “the results of the performance test, with or without adjustments, reliably demonstrate compliance despite any process changes” (page 32828). NACAA requests further explanation of this provision, since it is likely that most process adjustments would trigger a retest.

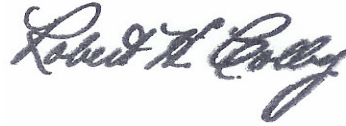
- *Production Rate* – It would be helpful if EPA explained how the production rate is determined. Is it based on actual daily production, monthly production, the daily average of monthly production or some other calculation? Further, how is this determined in plants that run continuously, so that production spans more than one calendar day?
- *Definition of Terms* – It would be helpful if EPA further explained what is meant by “hot mix asphalt plant operations used in hardstand” (page 32833), “operations where asphalt may be used in the fabrication of a built-up roof” (page 32833), “asphalt roofing facility” (page 32836) and “wet looper” (page 32836). Additionally, we request that the definition of “saturator” be clarified, since the difference between an impregnator vat and a saturator is unclear.

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

Sincerely,



G. Vinson Hellwig
Michigan
Co-Chair
NACAA Air Toxics Committee



Robert H. Colby
Chattanooga, Tennessee
Co-Chair
NACAA Air Toxics Committee