

December 14, 2009

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U. S. Environmental Protection Agency
EPA Docket Center
Attention Docket ID No. EPA-HQ-OAR-2009-0174
Air and Radiation Docket
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for the opportunity to comment on the Advanced Notice of Proposed Rulemaking (ANPR) for the Emissions Factors Program Improvements, published in the *Federal Register* on October 14, 2009 (74 *Federal Register* 52723). NACAA is the national association of air pollution control agencies in 53 states and territories and over 165 major metropolitan areas throughout the United States.

NACAA supports the development of a self-sustaining emission factors program and is pleased that EPA is seeking input on this important issue. Although we do not believe that amending federal regulation is necessary for improving development of emission factors and their use, NACAA does offer to work with EPA to achieve the goals of the improvement effort outlined by EPA in the ANPR. We begin by providing input on several key components.

Most notably, NACAA is concerned that the existing Emissions Reporting Tool (ERT) is not based on current technology and would not be an effective platform on which to build a national emission factor program. Rather, a web-enabled technology platform should be used, as has been accomplished with the Emission Inventory System (EIS) Development Project and Gateway. Such an approach would provide for a real-time repository of emission data more easily accessible and useable by all stakeholders. Any effort to improve the emission factor program must meet these criteria first if it is to be successful.

Because emission factors are used for many purposes, a successful emission factor program should be inclusive of a large variety of emissions data. This may include data collected by continuous emission monitoring, non-reference methods, and from both controlled and uncontrolled sources, the latter being most important for emission inventory development. A system that includes access to raw emission data also provides much needed transparency to state and local air agencies. Determining the appropriateness of using emission factors should be evaluated in the context in which they are applied. Such decisions should be left to the state or local agency on a case-by-case basis.

NACAA strongly believes that data quality is a critical component of an emission factor program. Minimum threshold criteria should be used to be entered into the database. Once the minimum requirements are met for data entry, additional criteria could be used to further evaluate the quality of the data by the state or local agency, depending on its intended use. The existing system, accessible through AP-42 and WebFIRE, lacks the necessary quantitative measures for assessing data quality and should be improved upon.

The following are NACAA's comments on the 14 specific issues on which EPA requested input in the ANPR:

1. Is it appropriate to amend the reporting provisions of the 40 CFR parts 60, 61, and 63 General Provisions to require electronic submittal of performance tests that are already required by standards in these parts?

NACAA supports EPA's goal to develop a self-sustaining emissions factors program that produces high quality, timely emissions factors, better indicates the precision and accuracy of emissions factors, encourages the appropriate use of emissions factors, and ultimately improves emissions quantification. However, NACAA does not believe that it is appropriate at this time to require electronic submittal of performance test results pursuant to 40 CFR Parts 60, 61, and 63 General Provisions. We believe that there are steps that must first be taken to ensure that mandatory electronic reporting is practicable.

- As noted by EPA in the ANPR, emission factors were initially developed for emissions inventory purposes but have since expanded to a variety of air pollution control activities and emission source types. It is unclear how requiring submittal of performance test results for this small subset of sources will support the goals of the emission factor programs envisioned by EPA and NACAA. If this is to be a comprehensive program, NACAA suggests additional consideration of other regulatory programs that produce qualified emissions data.
- The current EPA Emission Reporting Tool (ERT) platform does not appear to be current with the data collection and security standards employed by many of the state and local agencies. It also remains unclear how the implementation of the ERT would comply with the Cross-Media Electronic Reporting Regulation (CROMERR). Therefore, NACAA members remain concerned that a regulatory mandate to use this technology platform would be problematic. Accordingly, NACAA recommends that EPA invest in the development of a web-based database platform similar to the efforts with updating the Emission Inventory System Gateway.
- It is unclear from the ANPR how the electronic reporting system would be implemented. While NACAA recognizes that EPA may lead the development of the electronic database tool, a complete impact assessment of time, cost, and technology investments required for the state and local agencies to comply with the regulatory aspects of the proposal is necessary.

2. As acknowledged earlier, emissions factors are used for many air pollution control activities that were not envisioned when this program was established. We are

seeking comment on the appropriateness of using emission factors for these other purposes and, if they are to be used for other purposes, should there be any other requirements for these emission factors (such as using only highly rated emission factors for permitting) or more information required for these emission factors (such as greater precision and accuracy)?

NACAA agrees that emission factors are used for many purposes. Determining the appropriateness of using emission factors should be evaluated in the context in which they are applied. Such decisions should be left to the state or local agency on a case-by-case basis. Quantifying and qualifying the quality of the data (such as emission factor ratings) enables the data user to make more informed decisions regarding the emission factors and potentially expands their use. However, existing emission factor databases (primarily WebFIRE), are woefully incomplete. NACAA members observe that currently available emission factors are lacking in a variety of areas including data by major industrial groupings, both controlled or uncontrolled, and the vintage of the emission factor. Therefore, NACAA supports an effort to provide better quality data that includes better data quality characterization and data completeness.

3. Are third party reviews of performance tests needed and, if so, then how could we encourage third party reviews of test reports and what weight should we give reviews in assigning a quality rating?

While third-party reviews can provide a less biased assessment of performance tests, NACAA recognizes that such reviews are time consuming and are only necessary in specific instances. NACAA believes that a dynamic database emission factor tool could greatly aide in determining when a third-party review is needed, if at all. Many tests are commonplace and procedurally well established and therefore do not require a third-party review.

4. Should we require electronic submittal of performance tests via the ERT or some similar electronic submittal software (such as existing S/L/T submittal software)? What is the availability of other electronic formats that currently may be used by sources to report source test information to their S/L/Ts? Could these formats be used or adapted to fit into our proposed process?

As previously mentioned, NACAA believes that the technology platform for the current Electronic Reporting Tool cannot adequately support the emission factor program goals. Nor will it adequately meet the needs of the users providing the emission factor data. Rather, EPA should invest in a web-based platform as has been done with the Emission Inventory System. Such effort would likely need to be developed for the purposes of the emission factor program, as NACAA members are unaware of any available electronic state or local agency software that could be scaled to a nationwide application.

5. Would a different format for the ratings of test data be useful? For example, would a numerical system provide more information on the quality of the test rating?

NACAA supports the development of a new data quality rating approach. The current system that uses categorical qualifiers remains subjective. A new system that includes statistical quantitative measures would be more useful to determine the appropriateness of an emission factor to a specific application.

6. If needed, should additional information be required as part of ERT to enhance the emission factors development process? Should we obtain continuous emissions monitoring data in a fashion that could be used for emissions factors development in the next versions of ERT and WebFIRE?

NACAA supports the inclusion of CEM data into the development of emission factors. CEM data is more representative of actual emissions than a limited series of performance tests and therefore would make an emission factor more representative of the source.

7. We plan to build into WebFIRE decision criteria that would be used to select the test data to be used in an emissions factor update. For example, we may have four performance tests conducted in 1979 and four performance tests conducted in 1995 where the source made a slightly different product. What tests should we use to develop the emissions factors and what criteria should we consider to select the performance tests?

NACAA generally supports the use of all available performance test data subject to the data-quality objectives established for the emission factor program. Minimum threshold criteria should be used to be entered into the database. Once the minimum requirements are met additional criteria could be used to further evaluate the data quality including, but not limited to:

- the source's position in the industry, defined by the percentage of the national total that the source manufactures of a given product;
- the age of the equipment in use at the plant for the process tested;
- professional certifications of the stack testers;
- definition of representative operating conditions for the facility;
- control equipment in use for process;
- pollutants measured; and
- QA/QC flags.

8. How should emissions data be grouped into related clusters for which the average emissions factors will be developed? Examples of some of the criteria we consider in the present system include the source category, process type, representatives of source, emission source, equipment design, operating conditions, raw material or fuel characteristics, control devices, and test method used.

NACAA supports the continued use of Source Classification Codes (SCC) for grouping emission factors and the appropriate use of additional clusters where there is sufficient data to provide representative emission factors. NACAA is aware of several proposals to provide additional clusters within an SCC classification, such as "Applicability of FIRE Emissions

factors in State-Wide Emission Inventories” presented at the 101st Annual Meeting of the A&WMA, Portland, OR, June 24-26, 2008.”

9. How should WebFIRE assess data collected by non-EPA reference methods (such as those developed by the California Air Resources Board) or data from two different methods that are averaged to develop an emissions factor? How might the quality rating be adjusted to account for methods that are less easy to compare directly?

NACAA believes that collecting and warehousing emission data collected from non-EPA reference methods may be useful. However, any such data collected should be easily separated or filtered from data collected by EPA reference methods. Data that may be used as a regulatory basis should be based on EPA reference test methods.

10. At what frequency or schedule should emissions factors in WebFIRE be updated?

In general, NACAA supports the annual update of emission factors for point sources. Some non-point emission factor data are used less frequently, such as for the triennial emission inventories submitted by state and local agencies to EPA. A dynamic database with appropriate quality assurance measures may be capable of updating emission factors continually.

11. There are several data handling criteria associated with preparing draft emission factors. These criteria include data averaging, rounding, outliers, detection limits, use of blanks, and format and unit of measure of the factor. How should we account for these potential variables in emissions factors?

NACAA proposes that raw data required by the reference test method be reported with the electronic submittal of the test report, provided that the emission factor database is designed to effectively receive this input. This is consistent with EPA’s approach to the ERT. As such, all emission factor computations could become transparent to the public. Without raw data entry, emission factor data will need to be reduced, clouding the ability of users to evaluate the quality of the basis data.

Emission factor data must be normalized to provide effective application across multiple sources. However, NACAA recognizes that reduction to a normalized value introduces uncertainty. NACAA believes that differentiation should be provided where sufficient data is available. For example, efforts to differentiate fuel types should continue (e.g., coal can continue to be discernable by type and region and other source and process characteristics). Additional value to an emission factor program could be provided where multiple process variables are available (e.g., ton of coal fired, heat input provided, or pounds of steam produced).

12. Besides calculating the arithmetic mean to be used as the traditional emissions factor, what other statistical characteristics should additional features such as calculations of median and mode factors or other information from the data sets also be provided and in what format, i.e., tabular or graphical, should they be provided?

A variety of statistical information such as population, variability, median, mode, confidence intervals could be provided in tabular form and a graphical output would add additional value when assessing data distribution. However, a preferred platform would provide for the user the ability to download data from the emission inventory gateway (such as an upgraded WebFIRE) and perform statistical analysis using other third party software that has more robust statistical analytic capabilities.

13. Should there be a process to limit the number of performance test reports from a particular source category submitted to EPA? For example, should we establish a threshold in the submittal requirement after 50 or 100 performance tests have been submitted? If so, then how would EPA know when source categories significantly change process or controls, such that additional performance tests for emission factors revisions?

As previously stated, NACAA suggests that all validated data be included in the emission factor development program. NACAA agrees that sources providing a preponderance of data should be attenuated, particularly if the source is not representative of the Source Classification Code for the source. NACAA understands that statistical tools can be employed to ensure proper representation to determine whether submitted test data is significantly different from the total population of data. NACAA encourages EPA to include these techniques in the development of the program.

14. What steps could enhance public review of the emissions factors development process and outcome and contribute to the timely development of new and revised factors?

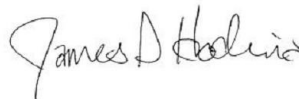
NACAA proposes that an explicit protocol for emission test data review and factor development be prepared with the input from an advisory group that includes the primary affected stakeholders, such as EPA; state, local and tribal agencies; regulated sources; and non-government organizations. Such a protocol should include a specified review period by which the process is kept current with changing regulations and technology.

NACAA appreciates the opportunity to comment on EPA's Advanced Notice of Proposed Rulemaking for the Emissions Factors Program Improvements. We look forward to working with EPA to advance the proposal of an improved emission factor program. Please do not hesitate to contact us if you have any questions or require additional information.

Sincerely,



David Thornton
Minnesota
Co-Chair
Emissions & Modeling Committee



James Hodina
Cedar Rapids, Iowa
Co-Chair
Emissions & Modeling Committee