

STAPPA / ALAPCO

STATE AND TERRITORIAL  
AIR POLLUTION PROGRAM  
ADMINISTRATORS

ASSOCIATION OF  
LOCAL AIR POLLUTION  
CONTROL OFFICIALS

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To Whom It May Concern:

The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) are pleased to submit comments on the U.S. Environmental Protection Agency's (EPA's) Advanced Notice of Proposed Rulemaking (ANPR) regarding the Transition to New or Revised Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) ("ANPR"), as published in the *Federal Register* on February 9, 2006 (71 *Federal Register* 6718). STAPPA and ALAPCO are the two national associations of clean air agencies in 54 states and territories and more than 165 major metropolitan areas across the United States.

**Transitioning from the 1997 PM<sub>2.5</sub> NAAQS to a New or Revised 2006 PM<sub>2.5</sub> NAAQS**

Revocation Issues

In the ANPR, EPA states that it is contemplating two options<sup>1</sup> for implementing the transition from the NAAQS set in 1997 for fine particulate matter (PM<sub>2.5</sub>) to any new or revised PM<sub>2.5</sub> NAAQS (71 *Federal Register* 6722). Under Option 1, EPA would not revoke the 1997 annual PM<sub>2.5</sub> standard and would revoke the 24-hour PM<sub>2.5</sub> standard one year after designations for the new 24-hour PM<sub>2.5</sub> standard are finalized. Areas designated nonattainment for the 1997 annual PM<sub>2.5</sub> standard "would continue to develop and implement their [state implementation plans or] SIPs based on the final implementation rule for the PM<sub>2.5</sub> NAAQS" proposed in November 2005

<sup>1</sup> These options assume that EPA does not change the level of the annual standard from the current 15 micrograms per cubic meter ( $\mu/m^3$ ) and the only change to the annual standard is to revise the criteria for spatial averaging of monitors (71 *Federal Register* at 6720).

(Id.). In addition, attainment dates for meeting the 1997 annual PM<sub>2.5</sub> standard would not change. Under Option 2, EPA would revoke both the 1997 annual and daily PM<sub>2.5</sub> standards one year after designations under any new 2006 PM<sub>2.5</sub> standard are finalized. Under this option, EPA would develop an anti-backsliding rule, and EPA says its preference is to follow the precedent set in implementing the 8-hour ozone standard by requiring nonattainment areas to keep mandatory control measures already in place and allow these areas to revise or remove discretionary control measures following a section 110(l) determination. Attainment dates for the annual PM<sub>2.5</sub> standard would be extended for five more years even though the level of the annual standard (15 µ/m<sup>3</sup>) would not be changed.

As we commented on EPA’s PM NAAQS proposal, STAPPA and ALAPCO oppose the agency’s proposal to retain the level of the annual standard at 15 µ/m<sup>3</sup>. Nevertheless, if the annual standard remains at 15 µ/m<sup>3</sup>, we support Option 1. As EPA states, this continues the momentum in the PM<sub>2.5</sub> SIP development and implementation program and is the most straightforward – no anti-backsliding rule for the annual standard would be required and states already designated nonattainment for the annual PM<sub>2.5</sub> standard need not prepare new SIPs. As we note below, revocation of the 1997 annual PM<sub>2.5</sub> standard is appropriate only if the level of the standard were changed. If Option 2 were implemented, it would be difficult to explain to the public why areas currently in nonattainment with the 15 µ/m<sup>3</sup> annual standard would now, by some bureaucratic sleight of hand, have five more years to attain the *same* standard, especially in light of the continued threats to public health and the environment from PM<sub>2.5</sub> pollution. We support EPA’s proposal to revoke the daily PM<sub>2.5</sub> standard one year after designations since 1) only two areas in California – South Coast Air Quality Management District and San Joaquin Valley Air District – are violating the daily standard, and they are also violating the annual standard; and 2) if EPA chooses Option 1, which we support, these areas would maintain their progress in addressing PM<sub>2.5</sub> under their annual PM<sub>2.5</sub> SIPs.

If EPA does tighten the annual PM<sub>2.5</sub> standard, STAPPA and ALAPCO do not support either Option 1 or 2. Rather, we recommend that EPA revoke the 1997 annual PM<sub>2.5</sub> standard after SIPs are approved and PM<sub>2.5</sub> and PM<sub>2.5</sub> precursor controls are in place. This ensures continued momentum in reducing emissions of PM<sub>2.5</sub>.

Timelines

Below is a table outlining EPA’s preferred timeline for implementing any new or revised 2006 PM<sub>2.5</sub> NAAQS:

<b>Action</b>	<b>Date</b>
Effective Date of PM <sub>2.5</sub> Standards	December 2006
State Designation Recommendations	December 2007
EPA Final Designations Signature	December 2009
Effective Date of Designations	April 2010
SIPs and Attainment Demonstrations Due	April 2013
Attainment Date	Up to April 2015
Attainment Date with 5-year extension	Up to April 2020

(71 *Federal Register* 6722-6723).

As a preliminary matter, STAPPA and ALAPCO are very concerned that, because of previous EPA policy directives, as well as proposed budget cuts in Fiscal Year (FY) 2007, the monitoring network envisioned to implement the 2006 PM<sub>2.5</sub> NAAQS will not be sufficient to carry out EPA's protracted timeline, much less the one recommended by our associations.<sup>2</sup> For example, in 2002, the state of New York, complying with EPA's preliminary NCore monitoring strategy, shut down 35 percent of its PM<sub>2.5</sub> Federal Reference Method (FRM) monitoring network since those sites were no longer needed to determine compliance with the controlling annual standard. Now that the proposed daily standard is likely to be the controlling one for New York, the PM<sub>2.5</sub> monitoring network in the state of New York will need to be redesigned to ensure adequate coverage, especially for mid-sized Metropolitan Statistical Areas (MSAs). However, EPA's proposed FY2007 monitoring budget includes a national program cut for PM<sub>2.5</sub> monitoring that may effectively cut the state's monitoring program in half. In the West, EPA's Region 10 targeted any FRM monitors that were not registering levels within 85 percent of the 1996 daily PM<sub>2.5</sub> standard (65 µ/m<sup>3</sup>) for elimination to reduce network costs. The end result is that some monitors registering the highest 24-hour readings for PM<sub>2.5</sub> in the state of Washington were removed. With the proposed reduction in the level of the daily PM<sub>2.5</sub> standard from 65 µ/m<sup>3</sup> to 35µ/m<sup>3</sup>, these FRM monitors must be replaced in order to obtain an accurate baseline of three years of data for determining compliance with the new lower daily PM<sub>2.5</sub> standard. Yet EPA's proposed funding cuts mean this is unlikely to happen.

With respect to EPA's preferred schedule outlined in the ANPR, EPA would give states one year to recommend designations. Generally, we believe that one year will be adequate for states to submit their designations. However, since some states may face unique problems in recommending designations, especially in the West (e.g., the MSA for Salt Lake City, Utah, is 1,000 square miles), EPA should consider providing additional (but limited) time to these states to submit their recommendations, so long as the effective date of designations is not extended. STAPPA and ALAPCO also recommend that EPA take only one year to review and approve states' PM<sub>2.5</sub> designations, the same amount of time the agency is proposing for finalizing the coarse PM standard designations (71 *Federal Register* at 6724).

We believe this more accelerated timeframe fits better with the Clean Air Act's call for expeditious attainment of the NAAQS. However, in order for this program to work most effectively, it is critical that EPA address our concerns with the reductions in the PM<sub>2.5</sub> monitoring network.

We suggest the following schedule:

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<sup>2</sup> STAPPA and ALAPCO submitted comments urging EPA to restore the budget cuts it proposed for FY2007 in the PM<sub>2.5</sub> monitoring program and to provide funding in FY2008 to expand the PM<sub>2.5</sub> monitoring program. These comments were submitted on "EPA's Proposed Rule to Revise the Ambient Air Monitoring Regulations," as published in the *Federal Register* on January 17, 2006 (71 *Federal Register* 2710).

<b>Action</b>	<b>Date</b>
Effective Date of PM <sub>2.5</sub> Standards	December 2006
State Designation Recommendations*	December 2007
EPA Final Designations Signature	December 2008
Effective Date of Designations	April 2009
SIPs and Attainment Demonstrations Due	April 2012
Attainment Date	Up to April 2014
Attainment Date with 5-year extension	Up to April 2019

\* with flexibility to states with unique problems

### Implementation Rule

In the ANPR, EPA states that “EPA has currently proposed implementation rules for PM<sub>2.5</sub> (70 [*Federal Register*] 65984), which, when finalized, will govern any revised standards” (71 *Federal Register* 6723). EPA proposed the implementation rule for the 1997 PM<sub>2.5</sub> standard in November 2005 and the associations submitted a number of substantive comments to EPA. Since EPA has not finalized the rule, we do not know the extent to which EPA will address our concerns. Accordingly, we reserve the right to comment again, in the context of implementation of the 2006 PM<sub>2.5</sub> NAAQS, on “final” PM<sub>2.5</sub> implementation rule.

### Transitioning from the 1997 PM<sub>10</sub> NAAQS to a 2006 PM<sub>10-2.5</sub> NAAQS

#### Schedule for Designations, SIP Submittals and Attainment Dates for a PM<sub>10-2.5</sub> NAAQS

In the ANPR, EPA suggests the following schedule for issuing designations, submitting SIPs and for attaining the coarse PM (PM<sub>10-2.5</sub>) standard:

<b>Action</b>	<b>Date</b>
Effective Date of PM <sub>10-2.5</sub> Standards	December 2006
State Designation Recommendations	July 2012
EPA Final Designations Signature	May 2013
Effective Date of Designations	July 2013
SIPs and Attainment Demonstrations Due	July 2016
Attainment Date	Up to July 2018
Attainment Date with 5-year extension	Up to July 2023

(71 *Federal Register* at 6723-6724.)

Section 107(d) (1) (B) of the Clean Air Act provides that EPA issue designations no later than three years from the date of promulgation of the NAAQS. Assuming that the effective date of the coarse PM NAAQS is December 2006, EPA would need to issue designations by December 2009 to meet this deadline. However, according to the ANPR, EPA is not deploying coarse PM monitors until January 2009 (71 *Federal Register* 6723). The earliest that three years of data (2009, 2010 and 2011) would be available would be in mid-2012.

In order to meet the statutory deadline, EPA would need to designate all areas as unclassifiable in December 2009. EPA prefers not to do this because it says it would then need to follow the following process, which provides that EPA make designation recommendations, rather than the states:

If EPA had previously designated areas unclassifiable, then, once EPA had sufficient monitoring data available, EPA would move forward in accordance with the provisions of section 107(d)(3)(A) to notify States that it believed designations for areas should be revised. States would then have the opportunity to respond in accordance with section 107(d)(3)(B), and EPA would take action regarding any revisions of the designations in accordance with section 107(d)(3)(C). (p. 6724)

EPA instead would prefer to simply wait to make designations until 2012 and request that states submit designation recommendations in July 2012.

STAPPA and ALAPCO are concerned that if EPA fails to follow the designation timeline spelled out in the Clean Air Act, EPA could be sued and have a timeline forced upon it. We suggest an alternative process provided in the Clean Air Act:

- EPA would issue unclassifiable designations by December 2009.
- As provided in section 107(d)(3)(D), which states that “the Governor of any State may, on the Governor’s own motion, submit to the Administrator a revised designation of any area or portion thereof within the State,” state governors would submit a revised designation to EPA by July 2012, when monitoring data would be available. (EPA could prompt states to follow this timeline by informing states that if EPA does not receive a governor’s submission on this time frame, it will follow the process outlined in section 107(d)(3)(A) and propose EPA’s views on a redesignation.)
- EPA then would have 18 months to act on a state’s redesignation submission, but we agree with EPA’s proposal to sign final designations on a more expedited basis (11 months).

Accordingly, the schedule would then be:

<b>Action</b>	<b>Date</b>
Effective Date of PM <sub>10-2.5</sub> Standards	December 2006
EPA Unclassifiable Designations	December 2009
State Redesignation Submission	July 2012
EPA Final Designations Signature	May 2013
Effective Date of Designations	July 2013
SIPs and Attainment Demonstrations Due	July 2016
Attainment Date	Up to July 2018
Attainment Date with 5-year extension	Up to July 2023

EPA also states that “[a]s a policy, EPA does not think that designating all areas of the country as unclassifiable provides useful information to the public about their area meeting new air quality standards” (71 *Federal Register* 6724). We disagree. First, EPA’s proposal to not issue any designations at all by December 2009 can hardly be said to provide the public with more

information about air quality than an unclassifiable designation. Second, this concern argues for not revoking the existing PM<sub>10</sub> standard precipitously – as EPA is recommending (see below) – and instead retaining the PM<sub>10</sub> standard to avoid public confusion about why an area not in attainment with the PM<sub>10</sub> standard is now designated “unclassifiable”: the public will understand that we are still collecting data from new monitors to determine compliance with the new standard but that there is no gap in protection of public health because the PM<sub>10</sub> controls remain in place. In addition, it is our experience that the general public does not consult 40 CFR Part 81 to determine air quality. The public is more likely to contact state and local air quality agencies and EPA or consult web sites for these agencies to understand more about the status of their air quality.

Finally, there is an overarching concern with the proposed schedule, since it depends on deployment of coarse PM monitors by January 2009. As with the existing PM<sub>2.5</sub> monitoring network, funding is also an issue with implementation of the PM<sub>10-2.5</sub> monitoring network. EPA has not made any commitment to funding the proposed coarse PM network scheduled for deployment in FY2008. EPA has estimated that the capital costs of this monitoring network could easily exceed \$14 million, with annual operating expenses of approximately \$13 million. State and local agencies will simply not be able to assume these significant costs. We urge EPA to provide new funding in FY2008 for the coarse PM monitoring network.

#### Classification Scheme for the PM<sub>10-2.5</sub> Standard

EPA states that it prefers not to develop a classification scheme (71 *Federal Register* 6724). The associations defer comment on this point. It seems premature to determine whether a classification scheme is necessary before the standard is finalized and agencies begin collecting air quality data. For example, if there are significant disparities among monitoring readings in areas across the country, it indeed may warrant a classification scheme.

#### Revocation of the PM<sub>10</sub> Standard

EPA contemplates revoking the 24-hr PM<sub>10</sub> standard, for areas where it wasn't revoked upon promulgation of the PM NAAQS, one year after designations under the PM<sub>10-2.5</sub> standards (71 *Federal Register* 6725). EPA states that those areas where the 24-hour PM<sub>10</sub> standard is being violated and has not been revoked should continue to implement the requirements of the Clean Air Act until designations for PM<sub>10-2.5</sub> are completed.

We believe EPA cannot revoke the 24-hr PM<sub>10</sub> standard – even partially as EPA proposes – in December 2006 because the agency will not have finalized an anti-backsliding rule by that time. In addition, as we commented on EPA's proposed PM NAAQS, our associations do not support EPA's proposal to revoke the 24-hour PM<sub>10</sub> standard “everywhere except in areas where there is at least one monitor that is located in an urbanized area with a minimum population of 100,000 people and that violates the 24-hour PM<sub>10</sub> standard based on the most recent 3 years of data” (Id. citing 71 *Federal Register* 2620). Furthermore, EPA should recognize that funding for Congestion Mitigation and Air Quality (CMAQ) programs is dependent on areas being designated nonattainment or maintenance and therefore the agency should not revoke the PM<sub>10</sub> standard too soon. Otherwise, many areas will not be able to compete for important funding for transportation-related measures.

STAPPA and ALAPCO support revoking the 24-hr PM<sub>10</sub> standard, but not until a nationally applicable (not population-based) coarse PM standard is fully implemented. Controls in place for PM<sub>10</sub> should be retained until it is certain that removing them will not adversely affect attainment of the new coarse PM standard. This assessment cannot be done until the technical tools are in place to analyze the impacts of removing PM<sub>10</sub> controls on attaining and maintaining the coarse PM standard. At a minimum, we believe that the 24-hour PM<sub>10</sub> standard must be retained until at least until one year after designations become effective. In addition, a strong anti-backsliding rule should be developed, as discussed below.

### Anti-Backsliding Measures

EPA is contemplating developing an anti-backsliding rule, with control measures to be retained based on PM<sub>10</sub> classifications, with moderate areas continuing to require reasonably available control measures and serious areas continuing to require best available control measures (Id.). Removal of control measures would be subject to section 110(l) demonstration (Id.).

Assuming that EPA revokes the PM<sub>10</sub> standard prior to coarse PM SIPs being approved and coarse PM controls in place, we support a strong anti-backsliding rule. The anti-backsliding rule should apply to any area that currently has controls on PM<sub>10</sub> emissions, not just areas where EPA proposes to retain the PM<sub>10</sub> standard past promulgation of the coarse PM NAAQS. Furthermore, as we noted above, it is unlikely EPA will develop an anti-backsliding rule by December 2006, when it proposes to revoke the PM<sub>10</sub> standard “everywhere except in areas where there is at least one monitor that is located in an urbanized area with a minimum population of 100,000 people and that violates the 24-hour PM<sub>10</sub> standard based on the most recent 3 years of data” (Id.). Accordingly EPA should not revoke the PM<sub>10</sub> standard – even partially – in December 2006.

### PM<sub>10</sub> Areas that Come Into Attainment Prior to Revocation of the 24-Hour PM<sub>10</sub> Standard

Some of the existing nonattainment areas for the 24-hr PM<sub>10</sub> standard may come into attainment prior to revocation of the 24-hr PM<sub>10</sub> standard. EPA contemplates that these areas would be required to submit a maintenance plan under section 175A (Id.). These maintenance areas retain the discretion to modify any discretionary control measures upon a demonstration under section 110(l) (Id.). STAPPA and ALAPCO support this proposal.

### New Source Review Transition Issues

In the ANPR, EPA raises several questions relating to the New Source Review (NSR) program, noting that “[t]here are many major NSR program implementation issues that EPA will address for a new PM<sub>10-2.5</sub> NAAQS, including revocation of the existing NAAQS.” Issues relating to NSR for PM<sub>2.5</sub> are also raised in the ANPR.

PM<sub>10</sub> Should Continue to Be a Fully Regulated NSR Pollutant for PSD Until Coarse PM Designations Have Been Finalized

EPA has proposed to revoke the annual standard for PM<sub>10</sub> immediately upon promulgation of the coarse PM standard. (71 *Federal Register* 2710 et seq; January 17, 2006) EPA also proposes to revoke the 24-hour standard, as well, except for approximately 20 areas nationwide having populations above 100,000 and a monitor showing a PM<sub>10</sub> violation (Id at 2718).

STAPPA and ALAPCO have strongly opposed EPA's population-based PM coarse standard, commenting that it is crucial that the agency provide the same level of health protection in both rural and urban areas. The associations stated in our Comment (dated April 17, 2006) that EPA should promulgate a nationally applicable coarse PM standard, but that the agency should retain the existing 24-hour PM<sub>10</sub> standard until the new PM coarse standard is in effect in order to insure that people living in rural areas continue to be protected from the coarse fraction of PM.

Therefore, the associations support Option 1, in which PM<sub>10</sub> continues to be a regulated NSR pollutant. This approach provides health and welfare protection to all people, regardless of whether they live in a densely populated or more rural area. We oppose adoption of Option 2, whereby NSR is applicable—and PM<sub>10</sub> remains a criteria pollutant—only in the 20 cities having populations of above 100,000 and a monitor showing a PM<sub>10</sub> violation. Not only does Option 2 fail to protect public health evenhandedly, but imposing different regulatory requirements in different parts of the country creates an uneven playing field for industry, leading some sources to believe that they are being treated unfairly and resulting in administrative difficulties for our agencies.

We do not, however, agree that “only some requirements, including best available control technology (BACT), should apply to PM<sub>10</sub> as a non-criteria pollutant.” Rather, we believe that sections 163 and 165 of the Clean Air Act should be interpreted broadly to provide for the full range of PSD particulate requirements. In fact, EPA stated in its proposed PM<sub>2.5</sub> Implementation Rule that “[s]ection 165(a)(1) of the Act provides that no new or modified major source may be constructed without a PSD permit that meets **all of the Section 165(a) requirements** with respect to the regulated pollutant”(emphasis added)(70 *Federal Register* 65984 at 66043; November 1, 2005). PM<sub>10</sub> will, under Option 1, continue to be a regulated pollutant. As such, it should be subject to all of the Section 165(a) requirements.<sup>3</sup> Therefore, a transition approach should be adopted that includes BACT requirements for PM<sub>10</sub>, air quality monitoring and modeling analyses of PM<sub>10</sub> emissions to ensure that the PM<sub>2.5</sub> increments are preserved, notification of Federal Land Managers when a proposed source or modification involving PM<sub>10</sub> emissions may affect nearby Class I areas, and public comment on the permits. This course of action will insure a smooth transition and avoid an abrupt departure from health and environmental regulatory safeguards.

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<sup>3</sup> STAPPA and ALAPCO supported such an option in their comments on EPA's Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards (NAAQS), stating that the associations support “using PM<sub>10</sub> emissions as a surrogate for PM<sub>2.5</sub>...[and that] states must require sources to demonstrate that emissions from construction or operation of a facility will not cause or contribute to a violation of the PM<sub>2.5</sub> NAAQS [and] that condensable emissions should be included in determining major NSR applicability and control.”

## Sections 163 and 166(f) Demonstrate Congressional Intent to Require Continued PM Increments

We support continuity of PM increments and urge EPA to adopt PM<sub>2.5</sub> and PM<sub>10-2.5</sub> PSD increments. As we commented in response to both EPA's proposed NO<sub>x</sub> increments rule and the PM<sub>2.5</sub> Implementation Rule, STAPPA and ALAPCO oppose development of "equivalent regulations under section 166...that include other measures instead of increments"(71 *Federal Register* at 6727, footnote 5).

Nonetheless, we share EPA's concern that the continuation of particulate increment programs would be extremely difficult in many cases: The challenges of tracking particulate emissions in areas when baselines were set roughly 30 years ago would be compounded by the necessity to calculate PM<sub>2.5</sub> and PM<sub>10-2.5</sub> increments by extrapolating them from increments that are now expressed in PM<sub>10</sub>, which, in turn, were extrapolated from total suspended particulates (TSP). Therefore, we propose that states should be given the option of establishing new baseline and minor source trigger dates for PM<sub>2.5</sub> and PM<sub>10-2.5</sub> if they can demonstrate that particulate air quality in a given air quality control region has improved since the original baseline date. Such a regulatory "fresh start" will assist in insuring the accuracy of increment consumption calculations for the fine and coarse particulate fractions.

## Permitting Authorities Should Compare PM<sub>10</sub> Emissions to PM<sub>2.5</sub> NAAQS—but Cannot Do So without the Necessary Regulatory Tools

STAPPA and ALAPCO support using an analysis of PM<sub>10</sub> air quality as a surrogate for the air quality analysis under the PM<sub>2.5</sub> program after revocation of the PM<sub>10</sub> standard. We agree, however, that the PM<sub>10</sub> emissions from the new or modifying source should be compared with the PM<sub>2.5</sub> NAAQS to demonstrate that the predicted PM<sub>10</sub> concentrations will not exceed the PM<sub>2.5</sub> NAAQS. Option 2, which would compare PM<sub>10</sub> emissions with the former PM<sub>10</sub> NAAQS "until all the PM<sub>2.5</sub> implementation elements for carrying out an independent PM<sub>2.5</sub> program have been finalized," ignores the PM<sub>2.5</sub> NAAQS. Moreover, modeling PM<sub>10</sub> emissions against the PM<sub>10</sub> NAAQS is likely to lead to violations of the PM<sub>2.5</sub> NAAQS in parts of the country where ambient levels of PM<sub>2.5</sub> are close to the NAAQS levels. Finally, when the condensable fraction of PM<sub>2.5</sub> is included in PM<sub>10</sub> emissions, a high percentage of the PM<sub>10</sub> will, in fact, be PM<sub>2.5</sub>, which also argues for comparing PM<sub>10</sub> emissions against the PM<sub>2.5</sub> NAAQS.

Thus, our support for Option 1 is conditioned on EPA's expeditious development of tools, particularly emissions factors for combustion sources, that are specifically designed to accurately measure emissions and predict air quality for PM<sub>2.5</sub>. Both EPA's ANPR and its proposed PM<sub>2.5</sub> Implementation rule have acknowledged the lack of existing, crucially necessary PM<sub>2.5</sub> tools. The proposed PM<sub>2.5</sub> Implementation rule specifically stated:

The 1997 guidance stated that sources would be allowed to use implementation of a PM<sub>10</sub> program as a surrogate for meeting PM<sub>2.5</sub> NSR requirements until certain difficulties were resolved, primarily the lack of necessary tools to calculate the emissions of PM<sub>2.5</sub> and related precursors, the lack of adequate modeling techniques to project ambient impacts, and the lack of PM<sub>2.5</sub> monitoring sites. As discussed in

this preamble, these difficulties have been resolved in most respects, and where they have not been... [t]hese issues will be finally resolved by the Agency upon promulgation of these proposed revisions. (Proposed Rule on PM<sub>2.5</sub> Implementation, 71 *Federal Register* 66043).

The associations do not agree that these difficulties have been resolved in most respects. On the contrary, the difficulties have worsened over the last few years. EPA has largely stopped issuing AP-42 emission factors for source categories, terminated the Emissions Inventory Improvement Project, and has shut down a significant part of the nation's PM<sub>2.5</sub> speciation monitoring network. As we noted in our Comment on the PM<sub>2.5</sub> Implementation proposal, adequate stack testing methods for PM<sub>2.5</sub> condensable emissions are not available.<sup>4</sup> Predictive air quality models for PM<sub>2.5</sub> should be further developed, although modeling results cannot be validated against readings from speciation monitors in much of the country, because such monitors no longer exist. Moreover, the President's FY2007 budget has proposed elimination of \$17 million that had previously been earmarked for the PM<sub>2.5</sub> monitoring network. Rather than having been ameliorated, the shortfall in required regulatory tools has become more severe.

For EPA to fill these significant, long-standing gaps by the time of promulgation of the PM NAAQS rule is indeed a tall order. Nonetheless, the agency must fill it. State and local air agencies are simply unable to meet their obligations to implement accurate and effective PM<sub>2.5</sub> PSD increment programs without these tools. Accurate measurement methods and techniques specifically applicable to PM<sub>2.5</sub> must be developed and made available to our agencies.

Permitting Authorities Should Compare PM<sub>10</sub> Emissions as a Surrogate to the Coarse PM NAAQS until Promulgation of the Coarse PM Implementation Rules for NSR and Approval of SIPs Containing Coarse PM Programs

STAPPA and ALAPCO believe that PM<sub>10</sub> emissions should be compared to the coarse PM NAAQS to show that predicted PM<sub>10</sub> emissions will not adversely affect the coarse PM NAAQS. As with the previous question, Option 1 is preferable for the same reasons. And, as with our response to the previous question regarding the transition to an increment program for PM<sub>2.5</sub>, EPA must promptly focus on developing the regulatory tools for measuring emissions of PM<sub>10-2.5</sub> and predicting the impacts of coarse PM emissions on ambient air quality.

EPA Must Promulgate Increments and Significant Impact Levels for Both PM<sub>2.5</sub> and PM<sub>10-2.5</sub>

2.5

In the associations' comments on the Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standards, we urged EPA to promulgate increments for PM<sub>2.5</sub> that would enable air agencies to evaluate and limit degradation of ambient air quality in PSD areas. We also urged EPA to avoid less effective alternatives to increments that had been proposed for

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<sup>4</sup> We are pleased that EPA has convened a stakeholder PM<sub>2.5</sub> Condensables Work Group, which includes members of STAPPA/ALAPCO's Enforcement and Compliance Committee, but regret that efforts were not started earlier to address the lack of adequate stack testing methods for PM<sub>2.5</sub> condensables.

NO<sub>x</sub>, such as a cap-and-trade system or a state planning approach. Therefore, we restate that increments should be expeditiously promulgated for both PM<sub>2.5</sub> and PM<sub>10-2.5</sub>.

We also encouraged EPA in our previous comments to promulgate significant impact levels (SILs) for direct PM<sub>2.5</sub> and precursor emissions, and do so again here. We repeat that states need SIL values as soon as possible in order to develop their SIPs in both PSD and nonattainment NSR areas. And, until precursor ambient impacts are studied adequately and SILs are developed, EPA should use the existing SILs for NO<sub>x</sub> and SO<sub>x</sub> for the corresponding PM<sub>2.5</sub> precursor pollutants. SILs for PM<sub>10-2.5</sub> should also be developed in accord with the timelines for designation of coarse PM.

#### Coarse PM from Rural Windblown Dust and Agricultural and Mining Sources

STAPPA and ALAPCO stated in their comments on EPA's Proposed Rule to Revise the NAAQS for Particulate Matter that the associations were deeply troubled that the proposal exempts from control agricultural, mining and other sources of crustal material. We continue to believe that coarse PM from these sources is as problematic to public health as any other source of coarse PM. EPA should eliminate these exemptions.

#### Emission Inventory Requirements

STAPPA and ALAPCO do not advocate adding new pollutant reporting at this time, with the exception of hazardous and toxic air pollutants (HAPs and TAPs), as noted below. Rather than adding elemental and organic carbon to those pollutants that are currently reportable, the associations believe that EPA should focus on developing accurate and uniform test methods for chemical species as well as appropriate emissions factors for all point, nonpoint and mobile sectors, covering all source classification codes (SCCs). These methods and emissions factors are crucially needed as states develop SIP-level emissions inventories for PM<sub>2.5</sub> and PM<sub>10-2.5</sub>. No new data elements should be added until the existing shortfall in methods and emissions factors is addressed.<sup>5</sup>

With regard to estimations of fugitive emissions, a possible solution to increasing the precision with which they are estimated would be to better involve sources in their estimation. The associations support including fugitive emissions in Title V of the CAA by requiring pollutant registration for fugitive emissions and by basing Title V fees on fugitive as well as point source emissions. Such a system would result in more accurate estimates of these often undercounted emissions, and increased facility motivation to minimize them.

Finally, with regard to the question of additional emission inventory data elements that should be required by EPA, we support the addition of HAPs and TAPs to those currently required. Some state legislatures will not allow collection of HAPs or TAPs data in the absence of

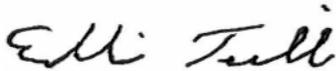
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<sup>5</sup> The ANPR specifically inquires about whether to expand the reportable data elements to include elemental and organic carbon. In some PM<sub>2.5</sub> nonattainment areas, EPA has apparently separated particulate emissions into the elemental and organic fractions of carbon through application of a ratio, but one state notes that EPA has not shared the methodology or ratio for this quantification. This state notes that a reference method to accurately measure the elemental and organic carbon fractions is necessary before these compounds are included in the CERR/AERR.

federal requirements for such reporting under the Consolidated Emissions Reporting Rule (CERR) and the pending Air Emissions Reporting Requirements (AERR). Without the inclusion of HAPs and TAPs in the CERR/AERR, many state and local air agencies will have an incomplete understanding of the air quality in the airsheds for which they are responsible, and will be incapable of identifying—and remedying—toxic hotspots. STAPPA and ALAPCO support adding these data elements to the CERR/AERR requirements.

We hope you will consider carefully these perspectives and our attached written comments as you proceed with the final rulemakings. If you have any questions, please feel free to contact either of us or S. William Becker, Executive Director of STAPPA/ALAPCO, at 202-624-7864.

Sincerely,



Eddie Terrill  
STAPPA President



John A. Paul  
ALAPCO President