

STAPPA / ALAPCO

STATE AND TERRITORIAL  
AIR POLLUTION PROGRAM  
ADMINISTRATORS

ASSOCIATION OF  
LOCAL AIR POLLUTION  
CONTROL OFFICIALS

S. WILLIAM BECKER  
EXECUTIVE DIRECTOR

May 5, 2006

Air Docket  
U.S. Environmental Protection Agency  
Attention Docket ID No. EPA-HQ-OAR-2004-0491  
Mail Code: 6102T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

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 the following comments on the U.S. Environmental Protection Agency's (EPA's) Direct Final Rule Setting PM<sub>2.5</sub> *De Minimis* Emission Levels for General Conformity Applicability, as published in the *Federal Register* on April 5, 2006 (71 *Federal Register* 17003), and EPA's Proposed Rule Setting PM<sub>2.5</sub> *De Minimis* Emission Levels for General Conformity Applicability, as published in the *Federal Register* on April 5, 2006 (71 *Federal Register* 17047). STAPPA and ALAPCO are the two national associations of air quality officials in states, territories and major metropolitan areas across the United States.

STAPPA and ALAPCO urge EPA to withdraw the direct final rule as we believe the *de minimis* levels specified for general conformity need to be revised.

As EPA notes in its proposal, *de minimis* levels for general conformity are important because, if a federal agency determines that direct plus indirect emissions from a proposed federal action are below these *de minimis* levels, then it need not conduct a conformity determination. Thus, for all intents and purposes, the emissions from that federal action do not "count" for purposes of a state implementation plan (SIP). Accordingly, it is important that the *de minimis* levels be set at a level that will not impact air quality.

EPA is proposing to use the same levels it proposed for major source levels in nonattainment areas under its proposed rule for implementing the fine PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS) (71 *Federal Register* 2620). Thus, EPA proposes to establish 100 tons per year as the *de minimis* emission level for direct PM<sub>2.5</sub> and each of its precursors.

STAPPA and ALAPCO do not support deeming 100 tons of emissions of direct PM<sub>2.5</sub> as a *de minimis* amount. To give a sense of the amount of emissions this proposal would let fly under the radar screen, using MOBILE6.2 we estimate that 100 tons per year of direct PM<sub>2.5</sub> is equivalent to the emissions (in 2006) of about **5,000 diesel trucks**, each traveling 60,000 miles per year.

In our comments on the proposed PM<sub>2.5</sub> implementation rule, we proposed that the major source threshold for emissions of direct PM<sub>2.5</sub> should be set significantly lower than 100 tons – in the range of 25-50 tons per year (TPY) of direct PM<sub>2.5</sub> in areas that are likely to attain the PM<sub>2.5</sub> NAAQS within five years, and a level of 10-25 TPY in areas that are likely to take more than five years to achieve the NAAQS. Thus, consistent with those comments, we urge EPA to establish *de minimis* levels for direct PM<sub>2.5</sub> emissions for purposes of general conformity as follows: for areas that are likely to attain the PM<sub>2.5</sub> NAAQS within five years, in the range of 25-50 tons; for areas that are likely to take more than five years to attain, 10-25 tons.

We hope you will consider carefully these perspectives as you proceed with the final rulemaking. If you have any questions, please feel free to contact either of us or Amy Royden-Bloom, Senior Staff Associate of STAPPA/ALAPCO, at 202-624-7864.

Sincerely,



Brock Nicholson  
STAPPA Chair  
Criteria Pollutants Committee



Lynne A. Liddington  
ALAPCO Chair  
Criteria Pollutants Committee