

February 10, 2009

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Re: Data Issues: Emissions Factors Program, AFS, ICIS, and EIA Power Plant Data

Dear Administrator Jackson:

Congratulations on your appointment as Administrator of the U.S. Environmental Protection Agency (EPA), and we look forward to EPA's re-emergence as the federal leader in protecting the public's health and environment. We at the Northeast States for Coordinated Air Use Management (NESCAUM) along with the state air agencies we represent wish to express our sincere desire to constructively partner with EPA as we address our mutually shared concerns. As you know, NESCAUM is the regional association of the eight states of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Much of our work, including assessing risk and technologies, developing control measures, formulating policies, and evaluating actions to address criteria pollutants, air toxics, and climate change, relies on precise, accurate, and robust scientific data. In this specific regard, I am writing to draw your attention to three critical data issues that warrant attention as you begin your tenure at EPA.

First, we urge you to focus resources to evaluate and improve EPA's Emissions Factors program. This program has been woefully under-staffed and under-funded for many years, and the quality of its data has seriously deteriorated.

Second, we are concerned that EPA has not yet replaced the Air Facility System (AFS), an antiquated and inflexible data reporting system. The AFS modernization effort was initially scheduled for 2007, yet it has been excluded from current data modernization efforts including the Integrated Compliance Information System (ICIS) and EPA's Central Data Exchange. We urge you to realign and expedite the timeframe for integrating air compliance and enforcement data into a modernized system and to ensure that all environmental tracking programs are similarly supported and integrated.

Third, recent programmatic changes at the U.S. Energy Information Administration (EIA) have resulted in significant gaps and compromised quality with respect to critical power plant data. We plan to restart our efforts to meet with EIA to discuss our concerns, and hope that EPA will continue to partner with us on this front. We provide details on these three issues in Attachment A.

We recognize the challenges that EPA faces with limited resources. With the advent of new leadership and a new environmental agenda, we ask that you reinvigorate the availability of sound data that will help ensure the scientific integrity of the long awaited and critically important energy, public health, and environmental policy decisions currently facing state and federal agencies. We are happy to discuss these issues in more detail, and look forward to working in partnership with you to address these and other critical issues. Please let me know how we can continue our dialogue.

Sincerely,



Arthur N. Marin
Executive Director

Enclosure: Attachment A

Cc: Steve Page, OAQPS
Brian McLean, OAP
Catherine McCabe, OECA
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NESCAUM Directors

ATTACHMENT A

Date Issues: Emissions Factors Program, AFS/ICIS, and EIA Power Plant Data

1. Emissions Factors Program

The Emissions Factors program plays a critical role in states' work. Without accurate and up-to-date emission factors, states can neither build accurate inventories, determine triggers for Prevention of Significant Deterioration (PSD), New Source Review (NSR) and Title V, nor accurately assess point, area, and mobile source impacts on air quality and public health.

Over the years, due to under-funding and -staffing, this program has been in decline and as a result there are significant, egregious problems with its data. One example of this is the lead (Pb) emissions data for boilers, which are necessary to implement the recently adopted Pb National Ambient Air Quality Standard (NAAQS). Presently, EPA staff is evaluating whether to use data from the National Emissions Inventory (NEI) or a 1998 Utility Report to Congress in order to determine whether boilers exceed the threshold for source-specific Pb monitoring requirements. The differences between these datasets are considerable, and in some cases vary by two orders of magnitude. Default emission factors should be specific to the type of combustion source and fuel used; a one-size-fits-all approach is not appropriate. As a further example, several years ago the NESCAUM states and industry identified potential problems with the mercury (Hg) emissions factor for heating oil. At that time, EPA was unwilling to evaluate this issue, and NESCAUM sought and received funding to analyze Hg content in heating oil. We ascertained, through that study, that EPA's emissions factor was inadequate. Such responsibilities, with national implications, should not fall solely to states to resolve. We recommend that OAQPS funding be increased to conduct additional source-specific emissions testing tests in order to update emission factors for criteria and toxic air pollutants, prioritize the emissions factors that need evaluation, revitalize the Emissions Inventory Improvement Program (EIIP), and ensure that appropriate quality assurance, quality control, and program evaluation efforts be adequately implemented and supported.

2. Air Facility System/Integrated Compliance Information System

The Air Facility System (AFS) is an antiquated and inflexible data reporting system to which states are required to submit their air, enforcement, and compliance data. Many states have already spent time and resources developing data systems more advanced than the current AFS system. In 2000, the EPA announced that a modernized AFS system would be in place by 2007, and yet work has not commenced on this effort. This has resulted in some states delaying improvements to their own systems to address EPA data needs. It also has resulted in scarce state resources being used to submit incomplete and sometimes inaccurate data to AFS or duplicating data from their own data sources to feed the EPA system. A modernized AFS would enable the use of current data sharing protocols, saving both EPA and the states significant data

entry resources and greatly improving data quality. It is our understanding that EPA currently projects this work to commence in 2012 with a completion date in 2014. We urge you to realign the timeframe for integrating air compliance and enforcement data into a modernized system and to ensure that all environmental tracking programs are similarly supported and integrated.

The EPA recently provided millions of dollars of support to the Resource Conservation and Recovery Act (RCRA) and Clean Water Act programs to develop modern, sophisticated reporting and tracking systems that support the programs' respective data needs and systems, yet has done little to update the AFS. Part of this has included an effort by EPA's Office of Enforcement and Compliance Assurance (OECA) to build an integrated data system, known as the Integrated Compliance Information System (ICIS), to be used for reporting by the air and water programs. To date, OECA has garnered input only from the water program. While EPA recently awarded a \$40 million contract for work on the ICIS system, NESCAUM has been informed that there are no plans to bring the air program into this effort in the near future. We are concerned that significant resources will be spent on an integrated system that will be unworkable for the air program. We urge you to restore meaning to the term "integrated" by ensuring that state and federal air program staff be included in subsequent phases of ICIS development. We also recommend that EPA increase funding to state air programs in order to allow them to build appropriate interfaces in their state systems to work with the modernized ICIS system.

We further recommend that EPA increase the level of support available to states and EPA staff for the Universal Interface (UI). This software was created by EPA to assist states in complying with its reporting requirements, and may reduce the reporting burden on states waiting for a modernized AFS to be in place. While over 40 percent of air compliance and enforcement data submitted to EPA comes through the UI, there are still many states that lack the funding to use it. Such funding is necessary to revise state data systems, review data in those systems, provide contractor support, and maintain the system. The platform used for this software platform is no longer supported by the manufacturer and needs to be updated. We recommend that funding be provided to the OECA air programs to update this software and ensure compatibility. Without such support, the UI will not be a viable tool. As we look to the future and EPA's transition from AFS to ICIS, the UI will need to evolve. Additional funding will be needed to update the UI through this transition. We would like to work with you to ensure that adequate resources are made available to EPA and states to support this important effort.

3. Energy Information Administration (EIA) Power Plant Data

Over the past several years, NESCAUM has been leading an effort, in consultation with EPA and in partnership with the National Association of State Energy Officials, the National Association of Regulatory Utility Commissioners, and the National Association of Clean Air Agencies, to provide input to the EIA during the agency's efforts to revise its power plant data collection program. The EIA's revisions have resulted in significant data gaps, compromised data quality, and an inadequate methodology to calculate useful thermal output. States and the

EPA depend on EIA data to support Clean Air Act requirements and emission reduction strategies, such as New Source Performance Standards, cap-and-trade, energy efficiency, and renewable energy programs. The EPA also relies on these data for its Emissions & Generation Resource Integrated Database (eGRID), an important tool that states use to inform policy and regulatory decisions regarding the power generation sector. NESCAUM plans to reinvigorate its efforts to assess states' data needs and formulate recommendations to EIA on programmatic revisions to its power plant data collection program. To start, we are developing an alternative methodology for calculating useful thermal output, a key data element that EIA has stopped collecting. Useful thermal output is important for determining the compliance status of power plants subject to federal New Source Performance Standards (NSPS). We hope to continue working with your staff to ensure that EIA makes appropriate modifications and continues to collect and disseminate these critical data.