

March 17, 2011

Ms. Betsy Metcalf
U. S. Environmental Protection Agency
Enforcement Targeting & Data Division
Office of Compliance, Mail Code 2222A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Attn: Docket ID No. EPA-HQ-OECA-2010-0777, Air Stationary Source Compliance and Enforcement Information

Dear Ms. Metcalf:

On behalf of the Northeast States for Coordinated Air Use Management (NESCAUM),¹ we wish to express our concerns on EPA's Information Collection Request ("the ICR") regarding Air Stationary Source Compliance and Enforcement Information [76 Fed. Reg. 2904 (January 18, 2011)]. NESCAUM's members support the overarching goal of the Air Facility System (AFS) to provide timely and accurate data to the public and EPA. While NESCAUM has minimal comments on the proposed changes outlined in the ICR, we are troubled that the ICR fails to examine the potential elimination of inaccurate or unnecessary minimum data requirements.

As outlined in the ICR, NESCAUM supports EPA's proposal to incorporate NAICS codes as a replacement for SIC codes in the AFS system. However, in order to ensure that this transition occurs with minimal impact to the reporting agencies, it is critical that EPA develop a conversion tool to eliminate hand entry of NAICS codes. If such a tool is not developed the NESCAUM agencies will require additional federal resources to perform this work.

Our members' primary concern is that the ICR fails to adequately take into account escalating resource difficulties and ongoing struggles with the balky and antiquated AFS. We believe that EPA should review existing reporting requirements to identify those elements that could be removed or modified. NESCAUM strongly supports the elimination of two reporting elements: compliance status and Title V certification information.

Currently, EPA requires state and local agencies to report on the "compliance status" of facilities in their jurisdictions. This requirement means that state and local agencies manually update their data systems to indicate whether facilities are "in compliance" or "in violation." The approach, however, assumes that we can know (and can tell the public) whether a facility is in compliance or in violation at all given points in time. Unfortunately, this is neither realistic nor practical,

¹ NESCAUM is the regional association of state air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

given that compliance status is constantly changing. Moreover, there are far too many facilities and too many regulations for agencies to maintain data on real-time compliance on an hourly, daily, weekly, or even monthly basis. As a result, compliance status data, as reported in the AFS, are currently inaccurate and often misleading.

Eliminating the compliance status reporting would not result in any relaxing of reporting requirements. In fact, the NESCAUM states anticipate that by doing so, and moving towards more accurate activities tracking, it would enhance the reporting system by providing more focus on reporting quality compliance monitoring and enforcement data.

NESCAUM's members also support eliminating reporting requirements associated with Title V permit certification data. The majority of these data in the AFS is inaccurate and requires significant resources for states to input. Input of these data was previously justified by the need to track Title V permit certifications as part of EPA's high priority violation policy. Given that EPA has now proposed to remove Title V certification submittals as a high priority violation, NESCAUM believes that the associated data reporting should also be eliminated as a minimum data requirement.

In conclusion, we urge EPA to eliminate unnecessary data reporting requirements in light of the ongoing and significant difficulties state and local agencies are facing in providing them, and their diminished value in achieving the objectives of the AFS. We look forward to working with EPA to implement data requirements that are acceptable to all and that enhance—rather than impede—compliance and enforcement activities aimed at achieving cleaner air and improved public health nationwide. If you have any questions regarding our comments, please feel free to contact Lisa Rector at 802-899-5306.

Sincerely,



Arthur Marin, NESCAUM
Executive Director

cc: NESCAUM Directors
NESCAUM Enforcement Committee
Betsy Metcalf, Enforcement Targeting & Data Division, Office of Compliance
Steve Rapp, EPA Region 1
Karl Mangels, EPA Region 2