

March 29, 2001

Mr. Chris Stoneman  
U.S. Environmental Protection Agency  
OAQPS – MD-13  
Research Triangle Park, NC 27711

Dear Chris:

On behalf of STAPPA and ALAPCO, thank you for providing us with an opportunity to comment on the draft “U.S. Environmental Protection Agency Workplan for the National Air Toxics Program and Integrated Air Toxics State/Local/Tribal Program Structure,” dated January 2001. We appreciate EPA’s commitment to working with state and local air agencies on this important project.

We would like to provide you with some general comments on the draft. In addition, we strongly urge you to give serious consideration to the comments and recommendations you receive from the state/local participants in the Federal Advisory Committee Act (FACA) workgroup that has been addressing this issue. They are the most familiar with the discussions you have had and are able to provide you with helpful insights and suggestions regarding the Integrated Air Toxics Strategy in general and the workplan specifically.

We believe the workplan is well written. Additionally, we are happy to see that EPA based the draft on the framework that the FACA workgroup recommended. This framework was designed to address the concerns of agencies with existing programs, as well as those of agencies that cannot have programs that go beyond the federal minimum.

#### Authority

The workplan does not seem to have moved far beyond the accomplishments of the workgroup. Perhaps most importantly, the workplan does not address the issue of whether EPA has the authority to require state, local and tribal agencies to develop air toxics programs that address the recommended goals. Without this express authority, it is unlikely that air agencies will be able to respond to the goals in the workplan. Therefore, we strongly urge you to work with us and the other stakeholders to resolve this issue.

### Funding

Another major concern we have relates to funding. State and local air agencies will find it difficult, if not impossible, to implement these new programs without additional funding. The workplan should address this critical issue.

### Flexibility

We are concerned that the draft does not adequately address issues related to flexibility for state and local air agencies that wish to design or already have programs that are different from the federal program but equally or more stringent. We believe the flexibility issue should be considered during the design of the overall program, and not left to be addressed during the implementation phase only.

### Mobile Sources

Because of the contribution of mobile sources to toxic air pollution, we are concerned that the workplan does not include a national risk reduction goal for mobile sources, as it does for stationary and area sources. Additionally, we believe more aggressive action is necessary to address emissions from diesel-fueled engines and vehicles. State and local agencies will not be able to adequately address these sources without significant federal action (beyond those actions contained in the draft).

### Near-Source Goal

The draft would change the workgroup's recommended near-source goal, which takes into account risk from a single stationary source, to a goal that accounts for cumulative risk from other nearby sources, including mobile sources. As the workplan is currently written, the near-source and community-health goals are now essentially the same.

While it is important to assess cumulative risk, the workgroup's near-source risk goal was intended to ensure that stationary sources are below significant risk levels. This is especially critical for state and local air agencies that do not have the ability to assess emissions and/or risk from stationary sources. Factoring other sources into this goal, such as mobile sources, would require a sophisticated risk analysis, which most agencies could not perform. Further, most agencies would also be precluded from regulating many of the sources responsible for the risk (e.g., mobile sources).

We recommend reverting to the near-source goal the work group developed (i.e., a source specific goal). Cumulative assessments can be carried out under the area-wide and community/neighborhood goals. Additionally, to the extent that state and local agencies would need to conduct community-level assessments, the workplan should address how these agencies will be provided the tools to do so.

Role of Regional Offices

We believe the workplan should identify the role of the EPA regional offices. They will certainly be called upon to participate in the effort, particularly when a program implementation option is due. Also, they will be called upon to monitor the progress of state and local programs.

Thank you for giving us the opportunity to comment on this draft document. Please contact us if you have any questions. We look forward to working with you as you continue working on the development of the workplan.

Sincerely,

Bliss M. Higgins  
Chair  
STAPPA Air Toxics Committee

Robert H. Colby  
Chair  
ALAPCO Air Toxics Committee