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S. William Becker

September 15, 2011

Mr. Jim Jones
Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Jim:

On behalf of the National Association of Clean Air Agencies (NACAA), we would like to comment on your draft memorandum, entitled, "Updated Information for Determining a Non-Selective Reduction," which EPA provided to us on August 16, 2011. We thank you not only for the opportunity to review the document but, more importantly, for the steps EPA is taking to address problems several state and local air agencies are experiencing with some of the provisions related to the Maintenance-of-Effort (MOE) requirements.

As you are aware, the economic hardships that state and local air agencies face make it extremely difficult for them to carry out their responsibilities to improve and maintain healthful air quality across the country. It is essential that they retain access to the federal grants provided under Section 105 of the Clean Air Act, which are a critical piece of state and local agencies' funding. Since the cost-sharing requirements of the Clean Air Act, including the MOE provisions, have been presenting difficulties to some state and local air agencies during these challenging economic times, we are very grateful that EPA has identified a more flexible approach that will allow state and local agencies to qualify for the MOE waiver for non-selective reductions. We believe these flexibilities will be very helpful for agencies that have experienced reduced state or local funding that previously would not have met the requirements for the non-selective reduction waiver. The changes you are recommending will make it easier for state and local agencies to retain access to their Section 105 grants, which is essential if they are to continue their work to protect public health and the environment.

We support the changes you are recommending and simply offer the following minor specific suggestions about the document:

- Page 3 – Guidelines for Regions – Paragraph (d) – NACAA encourages including a broader set of acceptable funding exceptions than just for public

- health and safety, if possible. We hope EPA’s intent was to identify the two categories as examples, rather than as an exclusive list.
- Page 4 – Expediting the Waiver Review Process – last paragraph – This paragraph is not clear about the avenue for public comment. It states that there must be at least 30 days for public comment, but then also indicates that the determination will be final unless there is a request for a hearing. If a public comment period is allowed, one can assume that EPA could receive substantive written comments, whether or not there is a hearing. Should the written comments not be given the same consideration as remarks made during a public hearing?
- Appendix 2 – Question 4 – In the answer to this question, the word “executed” should be changed to “executive” in the next-to-last sentence.
- Appendix 2 – Question 14 – In the answer to this question, “with” is missing from the last sentence – “... must be coordinated [with] the Office of General Counsel ...”

Again, we thank you for addressing this important issue and for providing us with an opportunity to comment. If you have any questions, please contact either of us or Bill Becker (bbecker@4cleanair.org) or Mary Sullivan Douglas (mdouglas@4cleanair.org) of NACAA.

Sincerely,



Bruce Andersen
Kansas City, KS
Co-Chair
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