

**Comments of the
State and Territorial Air Pollution Program Administrators and the
Association of Local Air Pollution Control Officials
on the U.S. Environmental Protection Agency's
January 17, 2006 Proposed Rules to
Revise the National Ambient Air Quality Standards for
Particulate Matter (71 *Federal Register* 2620) and
Revise the Ambient Air Monitoring Regulations (71 *Federal Register* 2710)**

Dockets Nos. EPA-HQ-OAR-2001-0017 and EPA-HQ-OAR-2004-0018

April 17, 2006

The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) offer the following comments on the U.S. Environmental Protection Agency's (EPA's) Proposed Rule to Revise the National Ambient Air Quality Standards (NAAQS) for Particulate Matter, as published in the *Federal Register* on January 17, 2006 (71 *Federal Register* 2620) and EPA's Proposed Rule to Revise the Ambient Air Monitoring Regulations, as published in the *Federal Register* on January 17, 2006 (71 *Federal Register* 2710).

As the Clean Air Act provides, state and local air agencies are primarily responsible for preventing and controlling air pollution in order to protect our citizens' health and welfare.¹ We are charged with devising plans to ensure that the air in states and localities is clean and healthy to breathe; thus, any time EPA proposes to revise air quality standards, we pay close attention. In this case, several aspects of EPA's proposal deeply concern us.

I. EPA Failed to Follow the Recommendations of Its Outside Scientific Experts and Staff In Its Proposal to Revise the PM_{2.5} Standard

We find it very troubling that EPA's recommended annual fine particle (PM_{2.5}) standard is outside the range recommended by the Clean Air Scientific Advisory Committee (CASAC). CASAC is a congressionally chartered group of outside scientific experts vetted for their objectivity and appointed by the EPA administrator to provide advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and the National Ambient Air Quality Standards (NAAQS).

CASAC recommended lowering the annual PM_{2.5} standard to between 13 and 14 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) in conjunction with lowering the daily standard to between 30 and 35 $\mu\text{g}/\text{m}^3$. Despite this specific guidance, EPA is proposing not to change the level of the annual standard at all, which completely contradicts the recommendations of these outside independent experts. In fact, CASAC was so troubled by this decision that, in an unprecedented move, it responded to EPA's proposal. In a March 2006 letter to EPA's Administrator, CASAC reiterated its view that science dictated a lowering of the annual standard to between 13 and 14 $\mu\text{g}/\text{m}^3$. It noted that dependence on a lower daily

¹ Section 101(a)(3).

concentration alone “cannot be relied on to provide protection against the adverse effects of higher annual average concentrations”² and “the epidemiological evidence, supported by mechanistic evidence, indicates adverse effects of PM_{2.5} at current annual averages below 15 µg/m³.”³ EPA’s own staff paper indicates that more deaths from fine PM are avoided by lowering the annual average standard than by lowering the daily standard.⁴

Recent health studies also support lowering the annual standard. For example, researchers who continued following the same cohort studied in the Harvard Six-Cities Study found a decrease in mortality when levels of *annual* PM_{2.5} dropped.⁵ A study looking at exposure-response relationships in 22 European cities found a strong association between annual exposure to fine PM and mortality and concluded that measures focusing on lowering annual average pollution levels would have greater public health benefits than those focused on lowering levels on a few days with high concentrations.⁶

We urge EPA to follow the recommendations of its appointed scientific experts and lower the annual average standard to 13 or 14 µg/m³ in addition to lowering the daily standard to 35 µg/m³. Unless EPA strengthens its proposal consistent with the recommendations of CASAC, our associations are extremely concerned we will continue to see significant increased premature mortality and adverse health effects throughout the country.

II. EPA’s Proposal to Establish a NAAQS That Excludes Emissions from Certain Sources Is Unprecedented, Does Not Comport with Science and Health Concerns and Is Unworkable

STAPPA and ALAPCO support the adoption by EPA of a coarse particle (PM_{10-2.5}) standard. Nonetheless, the proposed standard is seriously flawed because it excludes emissions from certain source categories. EPA’s proposed regulation describing the new standard provides that

The standard for PM_{10-2.5} includes any ambient mix of PM_{10-2.5} that is dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial sources and construction sources, and excludes any ambient mix of PM_{10-2.5} that is dominated by rural windblown dust and soils and PM generated by agricultural and mining

² Letter from Rogene Henderson, Chair, CASAC, to the Honorable Stephen L. Johnson, Administrator, EPA; “Clean Air Scientific Advisory Committee’s Recommendations Concerning the Proposed National Ambient Air Quality Standards for Particulate Matter,” p. 3 (March 21, 2006).

³ *Id.* at 4.

⁴ EPA, “Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information,” (December 2005), EPA-452/R-05-005a. See in particular, Table 4-17 and Appendix 4B.

⁵ F. Laden, et. al., “Reduction in Fine Particulate Air Pollution and Mortality: Extended Follow-up of the Harvard Six Cities Study, *American Journal of Respiratory and Critical Care Medicine*, Vol. 173, pp. 667-672 (2006).

⁶ Samoli E, et. al., “Estimating the Exposure-Response Relationships between Particulate Matter and Mortality within APHEA Multicity Project,” *Environmental Health Perspectives*, Vol. 113, pp. 88-95 (2005).

sources. Agricultural sources, mining sources and other similar sources of crustal material shall not be subject to control in meeting this standard.⁷

This is unprecedented: EPA has never before set a NAAQS that requires certain source categories – in this case, agriculture and mining – to be altogether excluded from control requirements.

This standard also simply does not comport with science. Excluding agricultural and mining sources implies that there is evidence that emissions from these sources are not harmful, yet EPA does not present any such evidence. On the contrary, it is likely that pesticide-laden and toxics-laden coarse particles from agriculture and metals-coated coarse particles from mining, respectively, pose risks similar to urban coarse PM that is dominated by resuspended dust from high-density traffic and industrial sources.⁸ Similarly, there is ample evidence that rural windblown dust can in certain areas be contaminated with toxic material, as described below.

A. Agricultural and Mining Operations Have Demonstrable Environmental Effects

Agricultural operations can result in environmental contamination. EPA itself recognizes this by regulating certain activities such as pesticide application and discharges from agricultural operations to water. In view of that, how can EPA conclude that coarse PM from agriculture does not pose a health risk? Pesticides applied to crops attach to soil and dust and thus contaminate coarse PM.

Grain and hay often become contaminated with molds (even while still maintaining their value as a feed commodity). The transfer and processing of these agricultural commodities release airborne mold, spores and aflatoxins, which can be expected to be associated with coarse PM. Health warnings for agricultural workers are periodically issued related to this risk, which is most prevalent with high rainfall in late summer or fall. In addition, hay bales, which are routinely stored outside, are processed into feed pellets year round, and the processing plants for these pellets are a continual and significant source of airborne mold, spores and aflatoxins associated primarily with coarse PM rather than fine PM.

Another source of contamination in the agricultural sector is animal waste. Animal feeding operations generate millions of tons of waste each year – approximately 500 million tons annually, three times more raw waste than is generated yearly by all the

⁷ Proposed 40 CFR §50.13(a)(2)(B)(ii) in EPA, “National Ambient Air Quality Standards for Particulate Matter: Proposed Rule,” 71 *Federal Register* 2699 (January 17, 2006).

⁸ See, e.g., Becker S, et. al., “Regulation of Cytokine Production in Human Alveolar Macrophages and Airway Epithelial Cells in Response to Ambient Air Pollution Particles: Further Mechanistic Studies,” *Toxicol Appl Pharmacol* 2005; 207(2 Suppl):269-75 (the proinflammatory response in alveolar macrophages was driven by material present in the coarse PM).

humans in the United States.⁹ According to EPA, the pollutants most commonly associated with animal waste are ammonia and other nutrients, organic matter, solids, pathogens, odorous compounds, trace metals, pesticides, antibiotics and hormones.¹⁰ Trace elements in manure that are of environmental concern include “arsenic, copper, selenium, zinc, cadmium, molybdenum, nickel, lead, iron, manganese, aluminum and boron.”¹¹ Manure is applied as fertilizer to lands to promote crop growth.

Finally, agricultural burning can generate PM_{10-2.5} fractions; PM_{10-2.5} from burning could be a significant contributor to the non-crystal component of PM.

It stresses credulity to conclude that coarse PM from manure, soil mixed with manure, soil treated with pesticide or agricultural burning could pose no health risk whatsoever and thus agricultural activities must not be controlled to meet health-based air standards.

With respect to mining, EPA itself notes that the presence of metals – iron, nickel, cadmium and chromium – in urban areas contributes to the toxicity of coarse particles in urban areas, yet EPA presents no evidence to indicate that coarse PM generated by mining activities would not also have such metal components and thus not present health risks.¹²

Mining releases metal into the air, which contaminates crustal material in and around the mine with the metal being mined as well as other metals and toxic substances, such as arsenic. As EPA states in its air quality criteria document for lead

Mines can be a significant source of metal emissions to the atmosphere. Lead and zinc ores, which are often mined together, frequently contain high concentrations of cadmium and arsenic...An emission factor for [lead (Pb)] mines has been reported as 0.91 grams of Pb emitted to the air per [kilogram] of Pb mined...Mining of materials other than Pb can also release Pb to the atmosphere.¹³

The SIC code for mining includes sand and gravel. Silica dust from sand and gravel mining can cause silicosis (a form of lung disease). Sand and gravel operations can often occur near populated areas.

⁹ EPA, “National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines and Standards for Concentrated Animal Feeding Operations, 68 *Federal Register* 7180 (February 12, 2003).

¹⁰ *Id.* at 7181.

¹¹ EPA, “National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations, 66 *Federal Register* 2978 (January 12, 2001).

¹² EPA, “National Ambient Air Quality Standards for Particulate Matter: Proposed Rule,” 71 *Federal Register* 2665 (January 17, 2006).

¹³ EPA, “Air Quality Criteria for Lead (First External Review Draft),” Vol. 1, EPA/600/R-05/144aA (December 2005) at pp. 2-18 and 2-21 (citations omitted).

Mining waste has caused “significant human health and environmental damage,” according to EPA.¹⁴ Mining waste contains such materials as cyanide, diesel fuel and mercury as well as the metals being mined (e.g., copper, cadmium, zinc and lead).¹⁵

CASAC in its March 2006 letter to EPA strongly rejected EPA’s proposal to exempt mining and agricultural sources. It told EPA that it did not endorse a standard that “specifically exempts all agricultural and mining sources.”¹⁶

In addition to our concerns about the potential health impacts from coarse PM from agricultural and mining activities, we also believe that a NAAQS that excludes certain sources from control is unworkable in practice. What activities are considered to be part of mining and agricultural operations and are therefore excluded from control? Are mining and agricultural activities that occur in or near urban areas to be exempted from controls, even if they are the dominant source of coarse PM emissions in the area? For example, Las Vegas, Nevada is heavily impacted by sand and gravel operations near this urban area and under the area’s PM₁₀ State Implementation Plan (SIP), sand and gravel operations employ best achievable control technology or lowest achievable emission rate control requirements and maintain fugitive dust controls that are at least as stringent as area source requirements. Yet, if EPA’s proposal is enacted, it appears that these controls would no longer be required.

B. Rural Windblown Dust May Contain Toxic Material

Rural windblown dust – also referred to by EPA as “crustal material” – may contain toxic elements of concern and thus this category of material should not be given a blanket exemption from the PM coarse standard.

CASAC recommended establishing a 24-hour PM_{10-2.5} standard “with caveats to make exceptions for those types of rural dusts thought to have low toxicity.”¹⁷ CASAC did not recommend a wholesale exemption for all rural dust, only dust with *low toxicity*.

Rural dust may be contaminated with many kinds of toxic material, as EPA recognizes. EPA’s June 2005 staff paper, quoting from the PM Criteria Document, states that

¹⁴ EPA, Office of Solid Waste, “Human Health and Environmental Damages from Mineral and Mineral Processing Wastes: Technical Background Document Supporting the Supplemental Proposed Rule Applying Phase IV Land Disposal Restrictions to Newly Identified Mineral Processing Wastes” (December 1995) (available at www.epa.gov/epaoswer/other/mining/minedock/damage/damage.pdf).

¹⁵ EPA, Office of Compliance and Enforcement, “Profile of the Metal Mining Industry” (September 1995) (available at

www.epa.gov/compliance/resources/publications/assistance/sectors/notebooks/metminspt2.pdf).

¹⁶ Letter from Rogene Henderson, Chair, CASAC (March 21, 2006), *supra* note 2 at p. 4.

¹⁷ Letter from Rogene Henderson, Chair, CASAC, to the Honorable Stephen L. Johnson, Administrator, EPA; “Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Review Panel’s Peer Review of the Agency’s *Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information* (Second Draft Staff Paper); and *Particulate Matter Health Risk Assessment for Selected Urban Areas: Second Draft Report* (Second Draft PM Risk Assessment, January 2005)” (June 6, 2005), at p. 2.

under some conditions, crustal particles may become sufficiently toxic to cause human health effects. For example, resuspended crustal particles may be contaminated with toxic trace elements and other components from previously deposited fine PM, e.g., metals from smelters (Phoenix) or steel mills (Steubenville, Utah Valley), [polycyclic aromatic hydrocarbons] PAHs from automobile exhaust, or pesticides from agricultural lands.¹⁸

Other sources of manmade contamination include isolated industrial facilities such as copper smelters, steel mills, cement kilns and lime plants that are located in rural areas of the country and emit hazardous pollutants capable of contaminating crustal materials.

Rural dust may contain toxic biological material. For example, coccidioidomycosis, known as Valley Fever, is caused by a fungus in soils in limited regions in the U.S., including Kern County in the San Joaquin Valley of California; Pima, Pinal and Maricopa Counties in Arizona; and a portion of Texas running east from the southeast corner of New Mexico to the Laredo area.¹⁹ Humans and other mammals are susceptible. These fungal spores range from 1.5 µm to 4.5 µm in width and 5.0 to 30 µm in length.²⁰

Rural dust may be contaminated with metals. For example, manganese, nickel, arsenic and cadmium are metals found in thoracic coarse PM concentrations throughout Arizona. The Desert Research Institute of Reno, Nevada, has analyzed PM filters, collected by Andersen dichotomous samplers, by X-ray fluorescence spectroscopy (XRF). This analytical method provides concentrations of approximately 40 metals and nonmetals, in atomic weight from sodium to uranium.

C. EPA Should Eliminate the Exemptions for Agriculture, Mining and Rural Windblown Dust in the NAAQS; If Any Exemptions Are Warranted, They Should Be Addressed in the Implementation Phase

For the reasons described above, we believe that a standard that excludes agriculture, mining and rural windblown dust is inconsistent with the mandate of the Clean Air Act to set NAAQS that provide “an adequate margin of safety.”²¹ EPA states that a primary standard should include an adequate margin of safety, which is

intended to provide a reasonable degree of protection against hazards that research has not yet identified. . . . Thus, in selecting primary standards that include an adequate margin of safety, the Administrator is seeking not only to prevent pollution levels that have been demonstrated to be harmful but also to prevent lower pollutant levels *that may pose an*

¹⁸ EPA, “Review of the National Ambient Air Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information; OAQPS Staff Paper,” EPA-452/R-05-005 (June 2005) at p. 5-57, quoting from EPA’s PM Criteria Document at p. 8-344.

¹⁹ “Environmental Variability and Coccidioidomycosis (valley fever)”, by Korine N. Kolivras et al., *Aerobiologia* 17: 31-42, 2001.

²⁰ *Id.* at 32.

²¹ Section 109(b)(1).

*unacceptable risk of harm, even if the risk is not precisely identified as to nature or degree.*²²

Thus, since there is ample evidence that agricultural and mining activities can contaminate coarse PM with toxic material, it is clear that this material poses a risk and therefore EPA cannot exempt these sources from a coarse PM NAAQS. Rural windblown dust can also contain toxic material, as noted above.

We urge EPA to eliminate the exemptions for agriculture, mining and rural windblown dust. If any exemptions are warranted, they should be handled in the rules and policies implementing the standard and not the standard itself.

III. The 24-Hour PM₁₀ Standard Should Be Retained Until a Nationally Applicable PM Coarse Standard Is Promulgated to Ensure Populations in Rural Areas Are Protected from PM Coarse

The proposed rule revokes the 24-hour PM₁₀ standard except in areas having one or more violating monitors and populations of more than 100,000. The annual PM₁₀ standard is proposed to be immediately revoked upon promulgation. However, until such time as a nationally applicable PM coarse standard is promulgated and areas are designated, the 24-hour PM₁₀ standard should be maintained.

It is crucial to provide the same level of health protection in both rural and urban areas. Sensitive subgroups live in rural areas and people who live in rural areas are vulnerable to air pollution. This is why EPA should promulgate a nationally applicable coarse PM standard, as we explain above, but it is also why EPA should retain the existing 24-hour PM₁₀ standard to ensure people living in rural areas are protected until a new PM coarse standard is in effect.

Sensitive subgroups for PM coarse include people with preexisting lung diseases, such as asthma, and children and older adults.²³ About 9 percent of adults and 11 percent of children in the U.S. have diagnosed asthma and about 6 percent of adults in the U.S. have chronic obstructive pulmonary disease.²⁴ In addition, about 26 percent of the U.S. population are under 18 years of age, and about 12 percent are 65 years of age or older.²⁵ There is no reason to believe sensitive populations do not live in rural areas. Colorado, which is tied with California for the second highest prevalence of asthma in the country, conducted an asthma study and found the rate of asthma almost identical in rural and urban areas.²⁶

Furthermore, people who live in rural areas are just as vulnerable to coarse particle pollution as those who live in urban areas. First, they may live near major roadways

²² 71 *Federal Register* 2622 (January 17, 2006), *supra* note 12, (emphasis supplied).

²³ *Id.* at 2661.

²⁴ EPA, "Air Quality Criteria for Particulate Matter," EPA/600/P-99/002bF (October 2004) Vol. II at p. 9-89.

²⁵ *Id.*

²⁶ Colorado Department of Public Health and Environment, Colorado Asthma Program, "Colorado: Asthma Surveillance Report 2004" at p. 19.

(interstate, for example) where emissions from diesel trucks and buses may contaminate coarse PM. As the PM Criteria Document notes, numerous recent studies have linked adverse health effects with residing near major roads.²⁷ EPA treats any area with fewer than 100,000 people as a “rural” area that doesn’t need monitors for coarse PM (we provide more detailed comments on this aspect of the proposal in section VI below). These cities or towns could have major roadways such as interstate highways passing through them. In fact, there are 40,000 more miles of interstate highway in rural areas than in urban areas.²⁸ Rural residents are also likely to face reduced access to health care (most hospitals are located in urban areas).

Accordingly, to ensure that all populations are protected, the existing 24-hour PM₁₀ standard should be maintained until a nationally applicable PM coarse standard is promulgated and areas are designated.

IV. EPA Should Follow Its Staff’s Recommendations and Promulgate a Sub-daily Standard for Visibility

To protect visibility, EPA’s staff paper recommended a sub-daily standard for PM_{2.5} with a level in the 20 to 30 µg/m³ for a four- to eight-hour mid-day time period with a 92nd to 98th percentile form. EPA in its proposal recommended relying on the 24-hour PM_{2.5} standard for visibility protection. CASAC in its March 2006 letter to the EPA Administrator noted the following concerns with this proposal:

1. “The sub-daily standard more clearly matches the nature of visibility impairment, whose adverse effects are most evident during daylight hours. Using the 24-hour primary standard as a proxy introduces error and uncertainty in protecting visibility.”
2. Deployment of continuous PM_{2.5} monitors is consistent with setting a sub-daily standard for visibility.
3. EPA stated it did not need to set a sub-daily standard because the percentage of counties not likely to meet a “lenient” sub-daily secondary standard is comparable to the percentage of counties not likely to meet the proposed 24-hour primary standard. CASAC said this correlation in percentages is a “numerical coincidence, and is not indicative of any fundamental relationship between visibility and health.” CASAC noted that visual air quality is “substantially impaired” at the proposed daily standard of 35 µg/m³, and peak short-term concentrations during daylight hours can be substantially higher than the 24-hour average.²⁹

²⁷ PM Criteria Document, *supra* note 24 at p. 9-87.

²⁸ See U.S. Department of Transportation’s Federal Highway Administration’s Highway Statistics for 2004, “Functional System Lane-Length – 2004,” available at <http://wwwcf.fhwa.dot.gov/policy/ohim/hs04/htm/hm60.htm>. There are 127,889 rural and 82,926 urban Interstate lane miles.

²⁹ Letter from Rogene Henderson, Chair, CASAC (March 21, 2006), *supra* note 2, at pp. 5-6.

In short, a 24-hour standard set for health reasons does not sufficiently provide visibility protection during daylight hours. As CASAC notes, sub-daily standards are used elsewhere (e.g., a three-hour standard for sulfur dioxide and an eight-hour standard for ozone). Setting a reasonable sub-daily standard to protect against visibility will also help areas make reasonable progress toward their regional haze goals, as required under the Clean Air Act.

Accordingly, the associations urge EPA to set a sub-daily standard for PM_{2.5} for visibility.

V. EPA Should Follow CASAC's Recommendations and Seriously Consider a Secondary Standard for Coarse PM that Applies Nationwide

As advocated by CASAC, “serious consideration should be given to a secondary PM_{10-2.5} standard at a level similar to the proposed primary standard, but without the ‘urban’ geographical constraint” in order to address soot, dust and ecosystem effects.³⁰ The associations do not believe this nationally applicable secondary standard should be promulgated *in lieu of* a nationally applicable primary standard. Rather, if EPA tailors the nationally applicable primary coarse PM standard to exclude dusts with low toxicity, it should still recognize that dusts that may not affect health can still affect visibility and ecosystems. Therefore, EPA should adopt a nationally applicable secondary PM_{10-2.5} standard to address soot, dust and ecosystem effects.

VI. EPA's Criteria for Siting Coarse PM Monitors Fail to Comport with the Recommendations of CASAC and Result in Selective – Rather than National – Health Protection

Monitoring the air in order to measure pollutant levels goes hand in hand with implementing any new health-based air quality standard. Yet, the monitoring siting requirements proposed by EPA for the coarse PM standard,³¹ coupled with the proposed revocation of the PM₁₀ standards in most of the country,³² will leave residents in smaller

³⁰ Id. at 5.

³¹ Proposed 40 CFR section 58(b)(1)-(5) sets forth a five-part suitability test for coarse PM monitors. It provides that, in order for data to be eligible for comparison with the PM_{10-2.5} NAAQS, the data must be from a monitoring site that meets all five conditions: 1) the site must be in an urbanized area as defined by the U.S. Census Bureau with a population of at least 100,000 people; 2) the site must be in a census block with a population density of at least 500 people per square mile (a lower population density is permitted if “the block group is part of an enclave that is not more than five square miles in land area”); 3) the site must be population-oriented; 4) the site may not be in “source-influenced microenvironments;” and 5) PM_{10-2.5} concentrations must be “dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial and construction sources, and must not be dominated by rural windblown dust and soils and PM generated by agricultural and mining sources,” as determined in a site-specific assessment conducted by a state and approved by EPA. EPA, “Revisions to the Ambient Air Monitoring Regulations: Proposed Rule; Amendments,” 71 *Federal Register* 2710 (January 17, 2006) at p. 2782.

³² Proposed 40 CFR section 53 states that the annual PM₁₀ standard will be immediately revoked upon promulgation of the coarse PM standard. The 24-hour standard will be revoked as well except for 20 areas having populations above 100,000 and a monitor showing a PM₁₀ violation. Id. at 2718.

cities and rural areas with no monitors in their communities. Without monitors, millions of Americans will have no way to ascertain whether or not they may be subject to unsafe levels of coarse PM.

CASAC stated in its first letter to the Administrator that “it is essential to have data collected on the wide range of both urban and rural areas in order to determine whether or not the proposed UPM_{10-2.5} standard³³ should be modified at the time of future reviews.”³⁴ Because the proposed rule provides for no rural monitoring, however, CASAC reiterated its recommendation in its March 21, 2006 letter to the Administrator, stating: “CASAC recommends that the proposed 24-hour PM_{10-2.5} primary standard be accompanied by monitoring of particles in both urban and rural areas to aid in informing future health effects studies on rural dusts. Moreover, the CASAC strongly recommends expansion of our knowledge of the toxicity of rural dusts rather than exempting specific industries (e.g., mining, agriculture).”³⁵

A. The Five-Part Suitability Test Excludes Rural and Small City Populations

Nonetheless, the proposed rule’s five-part suitability test for siting coarse PM monitors currently excludes Metropolitan Statistical Areas (MSAs) that contain fewer than 100,000 people.³⁶ Figure 1 of the proposed rule, a U.S. map dotted with monitor locations that could be required by the proposed requirements, demonstrates that the population-based test leaves many communities that are currently nonattainment areas for PM₁₀ without PM_{10-2.5} monitors.³⁷ These include Sheridan, Wyoming; Missoula and Butte, Montana; Carson City, Nevada; Nogales and Yuma, Arizona; and the Medford-Ashland area in Oregon, to name a few. In Montana and Wyoming, 11 PM₁₀ nonattainment areas would contain no coarse PM monitors.³⁸

Application of the suitability test to the San Joaquin Valley Air Basin in central California, which has historically been one of the largest PM₁₀ nonattainment areas in the U. S. containing both urban and rural areas, demonstrates dramatically the shortcomings of the test. The air basin, bordered on the west by a coastal mountain range and on the east by the Sierra Nevada range, is a logical planning region due to the complex interactions of emissions, meteorology and terrain. However, the proposed coarse PM standard would apply monitoring only in the urban areas, creating potentially multiple, discontinuous nonattainment areas within the region, instead of addressing the problem from an integrated

³³ EPA’s staff paper recommended an urban coarse EPA particle indicator, which it denoted as UPM_{10-2.5}.

³⁴ Letter from Rogene Henderson, Chair, CASAC, to the Honorable Stephen L. Johnson, Administrator, EPA; “Clean Air Scientific Advisory Committee Review of the EPA Staff Recommendations Concerning a Potential Thoracic Coarse PM Standard in the Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information” (September 15, 2005), at p. 5.

³⁵ Letter from Rogene Henderson, Chair, CASAC (March 21, 2006), *supra* note 2, at p. 5.

³⁶ Proposed 40 CFR Part 58. See 71 *Federal Register* 2782 (January 17, 2006), *supra* note 31.

³⁷ *Id.* at 2735.

³⁸ Current PM₁₀ nonattainment areas are listed at: www.epa.gov/air/oaqps/greenbk/pnca/html. See also Docket I.D. EPA-HQ-OAR-2004-0018, Letter to Rogene Henderson from Environmental Defense, (January 27, 2006).

basin-wide perspective. For example, the Hanford-Corcoran MSA, which has a population of about 130,000 and the highest estimated coarse PM design value in the basin of 94 $\mu\text{g}/\text{m}^3$ (based on 2003-2005 data), would not be required to monitor or regulate for coarse PM because it does not contain an urbanized area with a population greater than 100,000. Yet, a comprehensive monitoring network will be essential in providing adequate public health protection throughout the basin.

In fact, in light of the reductions in the $\text{PM}_{2.5}$ monitoring network, the planned revocation of the PM_{10} standards and the siting criteria for the coarse PM network, it is virtually a certainty that if the rule is enacted as proposed, many communities – particularly in the West – will have no particulate monitors whatsoever. No particulate monitors means that there will be no data on particulate emissions, no controls on nearby sources of emissions and increased morbidity and mortality in affected populations due to particulate emissions.

In addition, this criterion excludes areas with small populations but industrial sources nearby. For example, Wisconsin Rapids, Wisconsin is a small city of approximately 18,500 people. It has a variety of large and small industrial sources, including three large paper facilities. In 2004, estimated PM_{10} emissions were 324 tons.

B. Data From Monitors Near Areas of Sprawl and Sites Near Industrial Sources Are Excluded

Moreover, the second part of the suitability test also requires that the population density of the block group containing the site must be greater than 500 persons per square mile. Application of this criterion excludes large but sprawling cities, such as Raleigh-Durham and Fort-Worth-Arlington – whether or not their populations may be breathing unacceptably high concentrations of coarse PM.³⁹

In addition, the fourth part of the test requires that monitors “may not be in source-influenced microenvironments.”⁴⁰ This requirement sharply diverges from the current requirements for both $\text{PM}_{2.5}$ and PM_{10} monitor siting. $\text{PM}_{2.5}$ micro-scale data can be used to determine compliance with the NAAQS if the site is representative of a larger population in a similar area, regardless of proximity to sources. Moreover, PM_{10} monitors have never been so restricted. EPA states that its goal is to achieve equal stringency with the PM_{10} standards for the new NAAQS, and that siting monitors near industrial sources could result in the coarse PM standard being *more* stringent than the PM_{10} standard.⁴¹ This rationale is not persuasive. This restriction is yet another arbitrary hurdle for monitoring siting.

The rigidity of the population-based tests for coarse PM monitors contrasts with the more flexible monitor siting policies for all other criteria pollutants. For example, PM_{10} monitor siting takes population into account, but the requirements set forth in 40 CFR Part 58, Appendix D, do not set forth population-based criteria. Rather, EPA’s rule states:

³⁹ The web site www.demographia.com includes a listing of the ten lowest density cities in the United States.

⁴⁰ Proposed 40 CFR section 58. See 71 *Federal Register* 2782 (January 17, 2006), *supra* note 31.

⁴¹ *Id.* at 2738.

[Existing] stations [must meet] one or more of the six basic monitoring objectives described in section 1 of this appendix, e.g., (1) To determine highest concentrations expected to occur in the area covered by the network. (2) To determine representative concentrations in areas of high population density. (3) To determine the impact on ambient pollution levels of significant sources or source categories. (4) To determine general background concentration levels. (5) To determine the extent of Regional pollutant transport among populated areas; and in support of secondary standards. (6) To determine the welfare-related impacts in more rural and remote areas (such as visibility impairment and effects on vegetation).⁴²

These criteria provide for siting PM₁₀ monitors in areas of high population density, but do not specifically exclude any population, in contrast with the criteria contained in the proposed rule.

The final part of the five-part suitability test requires that the PM_{10-2.5} indicator not be dominated by rural windblown dust and soils and PM generated by agriculture and mining sources.⁴³ Not only does this part of the test raise serious public health concerns, but it poses insurmountable problems for monitoring specialists, who simply have no methodology for providing data that excludes source categories. As CASAC has recently emphasized in its March 21, 2006 letter to the EPA Administrator, these exclusions should be eliminated. They are not supported by science or public health policy.

It is important to note that EPA itself did not originally propose blanket exclusion for monitoring of these source categories. Rather, attempting to achieve consistency with CASAC's directives, EPA's draft proposal excluded agriculture and mining sources that were "not enriched with contaminants typical of urban sources," reflecting CASAC's desire to monitor, and ultimately protect the public from coarse particles anywhere that exhibited toxicity that distinguished them from non-toxic crustal materials. The crucial modifying phrase was, however, eliminated during the OMB review process.⁴⁴

C. The West Will Be Seriously Under-Monitored If This Proposal Is Finalized

The siting criteria provide that the larger the population of a city, the greater the number of monitors (up to a maximum of five) that must be sited there. This leads to the anomalous result that the more heavily populated areas in the eastern part of the country are required to have far greater numbers of monitors than the less populous western part of the country. Yet, it is an irrefutable geologic fact that it is the West that has coarse, crustal PM problems. In addition, *all* PM₁₀ nonattainment areas are in the West.⁴⁵ Accordingly, more coarse PM monitors should be placed in the West.

⁴² 40 CFR Part 58, Appendix D.

⁴³ Proposed 40 CFR section 58. See 71 *Federal Register* 2782 (January 17, 2006), *supra* note 31.

⁴⁴ See public docket I.D. EPA-HQ-OAR-2004-0018. EPA draft in, "Fax Transmission, 12/12/2005 from Office of Information and Regulatory Affairs, Office of Management and Budget," to Jason Burnett, EPA, at heading "The PM_{10-2.5} Indicator."

⁴⁵ See www.epa.gov/air/oaqps/greenbk/mappm10.html.

VII. EPA Needs to Provide Expanded Funding for All PM Monitoring

We are troubled that EPA has not made any commitment to fund the proposed coarse PM network scheduled for deployment in FY2008. EPA has estimated that the capital costs of this monitoring network could easily exceed \$14 million, with annual operating expenses of approximately \$13 million. State and local agencies will simply not be able to assume these significant costs.

A. The Administration's Proposed Budget Cuts Should Be Restored, and the Proposed New Daily Standard Should Be Taken into Account

With respect to PM_{2.5}, EPA has made no provision to increase federal funding to address the expanded monitoring requirements for the new standard. In fact, the President's proposed budget for FY2007 slashes fine particulate monitoring by \$17 million, which will severely weaken existing monitoring programs and likely result in significant staff cuts throughout the country. Agencies will have serious difficulties rehiring personnel who have been laid off as a result of these budget cuts and who would have been expected to operate these monitoring networks. The proposed FY2007 budget cuts must be restored, and EPA must provide funding in FY2008 to expand the PM_{2.5} monitoring program.

Additionally, the President's budget request calls for PM monitoring grants to be shifted to Section 105 authority, rather than Section 103. This would require state and local agencies to match those grant funds, which could be a burden for many agencies. We believe the PM monitoring grant program should remain under Section 103 authority.

B. Deep Cuts in PM_{2.5} Monitoring Funding May Impair Attainment and Maintenance of the PM_{2.5} Standards

EPA is now on the verge of promulgating its PM_{2.5} Implementation Rule. It does not follow, however, that the numbers of PM_{2.5} monitors can be sharply reduced simply because attainment and nonattainment designations have been made for the new standard. On the contrary, state and local agencies need data from PM_{2.5} monitors in order to develop control strategies for nonattainment areas. Not only will the proposed funding cuts make it more difficult to devise control strategies by reducing the numbers of PM_{2.5} monitors, but the effect of the PM_{2.5} monitoring cuts will be exacerbated by the recent deep reductions in the PM_{2.5} speciation trends network (STN). The necessity for the speciation network was pointed out by the EPA Office of the Inspector General in a report, titled "EPA Needs to Direct More Attention, Efforts, and Funding to Enhance Its Speciation Monitoring Program for Measuring Fine Particulate Matter," dated February 7, 2005. Yet significant reductions have nonetheless been made.

Moreover, state and local air agencies, and the public that they serve, see a continued need for some level of PM_{2.5} monitoring even in areas that have achieved attainment. There is always the possibility that sources may stop complying with their permits, equipment may malfunction, or unusual natural events or meteorological

conditions may occur. In such circumstances, monitored data is vitally necessary for public information and communication. PM_{2.5} is known to harm lung and heart function. States and localities should receive State and Tribal Assistance Grant (STAG) funds for retention of monitors that have continued importance to a community; yet they will not if the currently proposed FY2007 budget is enacted.

Further, it is important to recognize that state and local air agency monitoring specialists work with the larger health and science community to understand the long-term effects of particulate pollution on public health. It is simply not wise public policy to erect a network to monitor fine particles, and then tear it down ten years later when the science and health implications of fine particle pollution are just beginning to be understood.

Finally, we are extremely concerned that the Administrator's proposed cuts in federal funding for monitoring programs are in direct conflict with this regulatory proposal. If state and local air agencies were able to continue to carry out monitoring of local and regional importance, including adequate PM_{2.5} and other criteria pollutant monitoring, while at the same time adding the new federally proposed requirements, a beneficial outcome for all would be achieved. Yet, this best-case scenario is unlikely to be realized.

Rather, the FY2007 budget proposal eliminates funding to support state and local monitoring needs to make way for new federal goals – at the expense of our control strategies, the maintenance of sound public health information, and our productive collaborations with the health community. Our comments on the proposed monitoring regulations must be considered against this backdrop.

VIII. Multipollutant Monitoring Should Not Be Undertaken at the Expense of Criteria Pollutant Monitoring Networks

EPA has proposed to require states to operate from one to three National Core (NCore) multipollutant monitoring sites as part of an overall strategy to move from single-pollutant networks to multi-pollutant networks with real-time reporting capability. Although we are pleased that EPA has no plans for FY2007 to supplement the 35 NCore monitors that were sited in FY2006, we are concerned by EPA's proposed NCore requirements. As scientists, we support the acquisition of air monitoring information at precursor, trace gas levels. As administrators of public health programs, however, our congressionally mandated goal is attainment and maintenance of the NAAQS. We are, therefore, concerned that obtaining criteria pollutant information of continuing value, carrying out SIP development work and other monitoring goals have been, and may continue to be, sacrificed to fund the NCore effort – which cannot be our priority under the Clean Air Act.

The proposed regulations state that requirements for EPA's research grade sites, which would provide complex, research-grade monitoring data for special studies, are not included in the proposed amendments. State and local air agencies appreciate this postponement. We encourage EPA to also reexamine the NCore sites (formerly "NCore

Level 2” sites) and reduce, or make more flexible, the requirements for these monitors in the final rule.

IX. EPA’s Critical Reexamination of Quality Assurance Burdens Is Beneficial But Does Not Go Far Enough

STAPPA and ALAPCO appreciate the effort that EPA has put into the proposed amendments to 40 CFR Part 58, Appendix A: Quality Assurance (QA) Requirements for SLAMS, NCore, and PSD Air Monitoring. We support many of EPA’s QA proposals. Specifically, we support the approach of developing and determining the performance requirements of a pollutant monitoring system based on Data Quality Objectives (DQOs). We applaud EPA’s effort in analyzing the need for, and proposing reductions in the collocated sampling frequency from every six days to every 12 days for all the specified PM indicators except for total suspended particulate and prevention of significant deterioration (PSD) monitors. Lowering the PM₁₀ 20 µg/m³ cut-point for data precision is also a positive step. In addition, we support EPA’s proposal to reduce by 20 to 25 percent its Performance Evaluation Program (PEP) bias assessment audit requirements, to five audits per year for agencies having fewer than five sites, and eight audits per year for agencies that have more than five monitoring sites.

Although we agree with EPA’s general quality assurance goals – elimination of bias and national comparability – we nonetheless have serious concerns about the general thrust of the QA proposal. First, we believe that the \$1.9 million earmarked for QA in the FY2007 budget is excessive. While we share with EPA the goal of obtaining defensible, sound ambient air data, we do not believe that such a large expenditure can be justified in light of the fact that, to our knowledge, there have been no instances of inaccurate data having compromised any proceeding required under the Clean Air Act and its regulations. On the contrary, state and local agencies have provided air monitoring data that have enabled EPA to make accurate attainment and nonattainment designations. In other words, we believe that the QA allocation is overkill under these circumstances. QA costs should be reevaluated and reduced.

Furthermore, we are troubled by the fact that EPA is mandating expenditures from STAG funds. Specifically, \$1,518,000 for the PEP program and \$400,000 from the general section 105 allocation for the National Performance Audit Program (NPAP) through-the-probe audits are proposed in the Administration’s FY2007 budget. The House Appropriations Committee Report on VA HUD, and Independent Agencies for FY2001 (House Report 106-674, Accompanying H.R. 4635), stated in the context of reviewing EPA’s Air Quality Budget on June 12, 2000 that EPA’s practice of setting aside and spending STAG grants, rather than distributing them to state and local air agencies, “is particularly troublesome because the Agency has decided to make these expenditures unilaterally.” Although EPA has communicated its QA proposal to the state and local agencies, there is little evidence that state and local agencies have embraced it as being warranted or essential to fulfilling data validation and data submission for regulatory needs. We encourage EPA to have further discussions on this plan before finalizing these provisions in order to ascertain whether, and to what extent, state and local agencies support

such extensive use of STAG dollars for QA activities. We also believe that EPA should be prepared to contribute funds of its own to the QA effort

Although we understand that allowing increased flexibility for state and local agencies was one goal of the proposal to allow state and local agencies to perform their own PEP and NPAP audits, there are practical problems with this approach. EPA itself has recognized these problems. Although the purpose of NPAP is to achieve national comparability, auditing carried out by multiple states and localities is bound to result in less consistency and comparability of data. Moreover, few agencies have independent laboratories or lab service contracts available for PEP audits. EPA should provide a contract mechanism for lab services for states that wish to perform their own PEP audits if the agency finalizes these provisions.

Finally, we strongly suggest two alternative approaches to the proposal for state assumption of the PEP and NPAP audits: First, state and local agencies should be allowed to request that PEP audits and/or NPAP through-the-probe audits be performed by EPA regional monitoring specialists. State and local agencies estimate that such regional audits would be significantly less expensive than EPA's currently projected costs. Second, EPA has developed a powerful automated system for sorting Air Quality System (AQS) data. This data can now be quickly sorted by type of monitor, monitor readings, monitor locations and other categories. If this "box and whisker" data sorting capability were utilized systematically to identify and pinpoint problem monitors in different parts of the country, PEP and NPAP audits could be performed on an "as needed" basis. Rather than requiring auditing of many monitors to find those few that might need calibration or other adjustment, the AQS system could target the poorly functioning monitors with precision, enabling the continued acquisition of high quality data at dramatically reduced cost.

X. FEM for PM_{2.5} and Coarse PM Should Correspond More Closely to FRMs; ARM Performance Requirements Must Ensure Accurate Data

In order to assure data quality at levels below the NAAQS, EPA should modify the Federal Equivalent Method (FEM) Class III (continuous) performance requirement for PM_{2.5} and coarse PM in order that the FEMs correspond more closely to the currently applicable Federal Reference Method (FRM). The FEM requirements should not be relaxed in order to ensure approval of continuous measurement methods. STAPPA and ALAPCO support continuous methods development, but believe that the technology should be capable of consistently reliable unadjusted measurements before it is adopted.

STAPPA and ALAPCO support EPA's proposal for allowing state and local agencies to adopt regional methods for ambient air monitoring. The approved regional method (ARM) provisions provide a flexible approach to supplementing the labor-intensive and expensive FRMs that are currently required. Moreover, ARMs will allow regions to implement data acquisition and reporting methods that will meet the public demand for access to real-time air quality information. To that end, the ARM proposal should be expanded to permit non-linear data adjustment factors such as those that are used for

AirNow data submissions so that continuous monitoring can be expanded into geographical areas with significant seasonal bias of the PM_{2.5} FRM.

Although we support ARMs, we believe that only accurate and precise methods should be approved by EPA. If there is any doubt about a proposed ARM, the goal of accurate air quality data should take precedence over regional flexibility, and the ARM should be revised.

XI. EPA and State and Local Air Agencies Can and Should Arrive at Criteria for Exempting Data from SPMs from NAAQS Comparisons

STAPPA and ALAPCO believe that EPA's proposed regulations governing special purpose monitors (SPMs) are unnecessarily restrictive and inflexible. The proposal at 40 CFR 58.20 requires that all data from SPMs that use a FRM, FEM or ARM must follow QA, report to AQS, and can be compared to the NAAQS. However, EPA is not legally bound by any specific statutory language or case interpretation regarding data obtained from these monitors. On the contrary, the courts that have addressed the uses of SPMs have deferred to EPA's own interpretation of the use of SPMs in accord with the principles of *Chevron U.S.A., Inc. v. NRDC*, 467 U.S. 837 (1984).⁴⁶ In fact, in a final rule refusing to grant an extension of the attainment date to the Phoenix, Arizona area, EPA itself noted that it has complete discretion to interpret the appropriate uses for SPM data:

[EPA's] policy clarification is clearly permissible. Moreover, even if it were a change or revision in policy, rather than a clarification, it would also clearly be permissible. It is well established that an agency may modify or reverse its interpretation over time provided the agency supplies a reasoned basis for the change.⁴⁷

Under these circumstances, STAPPA and ALAPCO believe that a more flexible framework for deciding the circumstances in which data from SPMs should be compared to the NAAQS can and should be devised. We suggest that EPA, together with state and local air agencies, take a fresh look at this issue and that some or all of the following questions be considered in order to arrive at such a framework: What is the purpose of the monitor, (e.g., in what way can and should the purpose of the monitor be considered special)? Is it located in accord with siting guidelines for the pollutant, or was it sited in order to study a trend or development of particular local or regional concern? Did appropriate regional monitoring specialists concur with its original designation as a SPM? Is it being utilized primarily for a health or other study? Is the relevant network for the pollutant adequate for comparison with the NAAQS without the SPM? Were the capital costs for it drawn from federal or state funding sources? What is the funding source for the operating costs? These suggested criteria should be evaluated and supplemented or revised through a collaborative process between EPA and STAPPA and ALAPCO.

⁴⁶ See "Agency Policy on the Use of Special Purpose Monitoring Data," dated August 22, 1997, by John Seitz, EPA Director of the Office of Air Quality Planning and Standards.

⁴⁷ 62 *Federal Register* at 60001, November 6, 1997, citing *Chevron, supra*; *Motor Vehicle Manufacturers Assoc. of the U.S., Inc. v. State Farm Mutual Automobile Insurance Co.*, 463 U. S. 29, 42 (1983).

We suggest that all existing SPMs be evaluated. Newly proposed SPMs that meet the criteria can be pre-approved by the appropriate EPA regional office, which will have received delegated authority to make such decisions from EPA's Office of Air Quality Planning and Standards, and the determination can be embodied in a record by letter or other suitable instrument. Already sited monitors that meet the new criteria can be "grandfathered." Data from all future SPMs that use FRMs, FEMs or ARMs and follow QA procedures – and which have not met the criteria – will be compared to the NAAQS.

We prefer this approach to one that terminates the status of the SPM after a two- or three-year period. Many of our SPMs are intended to shed light on long-range trends relating to transport or health effects. We can better further the goals of obtaining valuable scientific information through a transparent process by carefully defining SPMs, and by recognizing that some legitimate monitoring purposes are indeed special and are not related to compliance designations.

XII. The CASTNET and IMPROVE Federal Networks Are Being Funded at the Expense of State Networks

One of the goals of the National Monitoring Strategy and the proposed regulations is to "better integrate non-NAAQS networks, such as IMPROVE and CASTNET [Clean Air Status and Trends Network] with NAAQS monitoring networks." Nonetheless, the state and local air agencies are troubled that the proposed regulations expand federally implemented non-NAAQS networks while state programs are deemphasized and subject to budget cuts: CASTNET is being upgraded with \$3.5 million of FY2005 STAG funds to be utilized by EPA for the upgrades from 2007 to 2010. Redundancies in IMPROVE sites exist and should be addressed.⁴⁸ Simultaneously, the STN has been roughly halved, the Administration has proposed to cut the budget for the PM_{2.5} network by 40 percent in FY2007, and the photochemical assessment monitoring program has recently fended off significant funding reductions. We object to this trend toward beefing up federal monitoring networks and undervaluing state networks.

Assuming, however, that EPA continues with its CASTNET plans, EPA must at least demonstrate that the monitors are capable of meeting the technical performance standards expected of other monitors. So far, this is not the case. The technical capabilities of CASTNET monitors have so far not been demonstrated with any consistency. Nor does it appear that the data from CASTNET monitors is being held to the standards of methods and quality assurance that other monitors must meet. If EPA continues with its CASTNET upgrades, which we do not support, the agency must at the very least require the same data quality from CASTNET monitors as that from networks operated by state and local agencies.

⁴⁸ We note with approval that EPA's originally proposed cuts in the STN network were ultimately reduced, and that the decision-making on these reductions was based on a reasoned analysis and achieved through a fair and open process. Nonetheless, we are concerned that the national trend in ambient air monitoring is toward increasing reliance on federal networks, such as CASTNET, IMPROVE and NCore, to the detriment of state networks.

XIII. Additional Comments on Certain Proposals for Revisions to 40 CFR Part 58

1. STAPPA and ALAPCO do not support requiring fewer PM_{2.5} monitoring sites when design values are well above the NAAQS unless affected state and local air agencies are in full agreement with decisions to reduce such requirements. A process should be devised to enable affected state and local air agencies to concur with or reject federal actions implementing reductions in PM_{2.5} monitoring requirements.
2. STAPPA and ALAPCO do not support requiring fewer ozone monitoring sites when such a reduction is indicated in areas with measured ambient concentrations significantly above the NAAQS unless affected state and local air agencies are in full agreement with decisions to reduce such requirements. A process should be devised to enable affected state and local air agencies to concur with or reject federal actions implementing reductions in ozone monitoring requirements.
3. STAPPA and ALAPCO do not support the proposal to revoke all minimum requirements for CO, SO₂, NO₂ and lead unless affected state and local air agencies are in full agreement with decisions to reduce such requirements. A process should be devised to enable affected state and local air agencies to concur with or reject federal actions implementing reductions in CO, SO₂, NO₂ and lead monitoring requirements.
4. STAPPA and ALAPCO do not support a requirement that states should be required to make available for public inspection their draft annual monitoring plans. Although we support transparency of our monitoring plans, we prefer to leave to individual states the decisions on when and how to solicit public input in the planning process.
5. STAPPA and ALAPCO do not favor every-five-year assessments of our monitoring networks absent restoration of adequate funding levels. Our discussion and analysis of the staff expertise necessary and time involved lead us to conclude that other assessment methods are preferable. We encourage EPA to consider alternatives to these resource-intensive processes. For example, utilization of EPA's enhanced AQS data sorting "box and whisker" plot system could identify areas of monitoring need and redundancy in a more efficient way.
6. STAPPA and ALAPCO do not favor increasing the minimum distances between ozone monitors and roadways absent unusual circumstances involving data quality. Re-siting a monitor often involves leases, moving electric power lines, renting a crane, construction or relocation of a shelter and other activities. Set up and construction of the monitor infrastructure often involve expenditures of \$10,000 to \$20,000 or more.

7. STAPPA and ALAPCO support a requirement for reporting field blank data.
8. STAPPA and ALAPCO oppose moving the annual data certification date from July 1 to May 1 of each year.
9. STAPPA and ALAPCO oppose a requirement for archiving all particulate matter filters for one year. Many agencies already store these filters for a year on a voluntary basis.