

October 31, 2017

Administrator Scott Pruitt
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Draft FY 2018 – 2022 EPA Strategic Plan (Docket ID: EPA-HQ-OA-2017-0533)

Dear Administrator Pruitt:

The Association of Air Pollution Control Agencies (AAPCA)¹ appreciates the opportunity to provide feedback to the U.S. Environmental Protection Agency (EPA) on the Draft FY 2018 – 2022 EPA Strategic Plan (“Strategic Plan”). The draft Strategic Plan identifies three strategic goals, in addition to short-term priority goals and updated objectives. These strategic goals include:

- **Core Mission:** Deliver real results to provide Americans with clean air, land, and water.
- **Cooperative Federalism:** Rebalance the power between Washington and the states to create tangible environmental results for the American people.
- **Rule of Law and Process:** Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.

AAPCA members appreciate the emphasis on these three strategic goals, and the corresponding comments are grounded in recent consensus comments and reports transmitted from AAPCA since 2015.

Goal 1 – Core Mission

Within this goal, EPA’s identifies Objective 1.1 to “Improve Air Quality” and the accompanying strategic measure to reduce the number of non-attainment areas under the National Ambient Air Quality Standards (NAAQS) program. AAPCA members applaud the prioritization of this objective, and related recommendations have been included in a variety of recent Association resources. In April 2017, AAPCA released a new report, *The Greatest Story Seldom Told: Profiles and Success Stories in Air Pollution Control*, which found that, through the Clean Air Act’s (CAA) framework of cooperative federalism, hard-working state and local air agencies have been responsible for tremendous progress in virtually every measure of air quality. This report catalogued these trends through the inclusion of key metrics for air quality, compliance and enforcement activity, and permitting efficiency. We look forward to working with EPA to continue these trends and encourage EPA to examine metrics contained in this report as well as the Environmental Council of the States’ recently launched interactive web tool, ECOS Results, designed to communicate state stories of public health and environmental progress.²

Several recent AAPCA resources have identified recommendations to reduce the number of nonattainment areas. In September 2017, AAPCA transmitted *Principles for Addressing Interstate and International Ozone Transport*, which identified an opportunity for U.S. EPA to “establish a revised,

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. AAPCA represents more than 40 state and local air agencies, and senior officials from 20 state environmental agencies currently sit on the AAPCA Board of Directors. You can find more information about AAPCA at: <http://www.cleanairact.org>.

² ECOS Results can be accessed at www.ecosresults.org.

transparent, state-driven framework for addressing interstate transport as well as to animate provisions to provide regulatory relief for state and local air agencies affected by international ozone contributions.”³ The experience of AAPCA members suggests that addressing international ozone transport – including not requiring states to offset international contributions through the Good Neighbor State Implementation Plan (SIP) process, applying CAA Section 179B to address international transport and excluding exceptional event data from international sources under CAA Section 319 – may have a greater impact on NAAQS attainment than the level of the standard.

AAPCA and many of its member agencies provided comments to EPA on regulations that may be appropriate to repeal, replace, or modify under Executive Order (EO) 13777 on Enforcing the Regulatory Reform Agenda.⁴ These comments included general suggestions on improving the NAAQS and SIP process as well as identifying specific regulations, including the Exceptional Events Rule, 2015 ozone NAAQS, interstate transport rules, and data requirements rule for the 2010 1-hour sulfur dioxide primary NAAQS, which could help reduce the number of nonattainment areas. In addition, in 2015, AAPCA released surveys of state environmental agency perspectives on the need for timely NAAQS implementation tools and on background ozone and tools for regulatory relief.⁵

Goal 2 – Cooperative Federalism

AAPCA regularly tracks state and local environmental agency comments on EPA rulemakings and Clean Air Act issues, many of which highlight the need for a state-driven air quality planning process. AAPCA has recently compiled feedback, including comments by member agencies, on the following regulations and topics: EPA actions related to ozone and interstate transport;⁶ regional haze;⁷ exceptional events;⁸ EPA’s startup, shutdown, and malfunction state implementation plan call (“SSM SIP Call”);⁹ and, permitting.¹⁰ Related comments on EPA regulatory reform include identification of federal implementation plans, guidance documents as de facto rulemaking, the SSM SIP Call, and the Clean Power Plan as other areas affecting state-driven planning.¹¹

³ AAPCA, [Principles for Addressing Interstate and International Ozone Transport](#), September 2017.

⁴ On May 15, 2017, AAPCA submitted [comments](#) to U.S. EPA on regulations that may be appropriate for repeal, replacement, or modification under Executive Order 13777 on Enforcing the Regulatory Reform Agenda. Links to other state and local agency comments can be found [here](#). On July 19, 2017, AAPCA released a new report, [The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777](#).

⁵ [State Environmental Agency Perspectives on Timely NAAQS Implementation](#) (September 2015); [State Environmental Agency Perspectives on Background Ozone & Regulatory Relief](#) (June 2015).

⁶ Comments have been compiled on: EPA’s proposed [Response to December 9, 2013 CAA Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont](#); EPA’s [Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard \(NAAQS\)](#); [Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements](#); [Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards](#); and the proposed [2015 Ozone NAAQS](#).

⁷ State and local air agency comments on [Protection of Visibility: Amendments to Requirements for State Plans](#).

⁸ State and local agency comments on [Proposed Exceptional Events Rule Revisions & Draft Wildfire Guidance](#).

⁹ A compilation of state and local agency comments on the SSM SIP Call can be found [here](#).

¹⁰ State and local agency [comments](#) on EPA’s proposed Revisions to the Title V Permitting Program Regulations to Improve the Petitions Process and proposed Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs.

¹¹ AAPCA, [Principles for Addressing Interstate and International Ozone Transport](#), September 2017.

In addition to the objectives and strategic measures identified in the Strategic Plan, AAPCA encourages EPA to identify avenues to increase the early participation of state, local, and tribal experts through federal advisory committees. We appreciate recent efforts by the Administrator to encourage nominations and select qualified experts from state and local environmental agencies for service on critical advisory panels like the Clean Air Scientific Advisory Committee (CASAC), Science Advisory Board (SAB), and the Board of Scientific Counselors. In July 2017, AAPCA and The Council of State Governments announced the public release of STATES AT THE TABLE: Engaging Energy and Environmental Opportunities with Federal Advisory Committees, located at www.cooperativefederalism.org. This resource seeks to get more state officials involved on the front end of the regulatory and scientific development process at agencies like EPA. In September 2017, AAPCA submitted comments on the list of candidates under consideration for U.S. EPA's chartered SAB and chartered CASAC, both arguing that geographically diverse state and local officials have a unique, independent perspective as a result of their on-the-ground experience carrying out the Clean Air Act and other environmental statutes.¹²

Objective 2.1, “Enhance Shared Accountability,” promotes the role of joint governance and compliance assistance in improving environmental protection. AAPCA and its members have provided feedback on critical grant programs and the need for stable, adequate resources to enable this shared accountability. In May 2017, AAPCA transmitted testimony to the U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies regarding FY 2018 appropriations for U.S. EPA’s State and Local Air Quality Management Grants, underscoring the importance of “Grants to state and local air agencies, including under Section 103 and 105 of the [CAA] and funds negotiated by states and U.S. EPA to be taken off the top for critical training needs.”¹³ Updated feedback from state and local agencies can also be found in comments for the Office of Air and Radiation and Office of Enforcement and Compliance Assurance ahead of EPA’s recently finalized FY2018 – 2019 National Program Manager Guidances.¹⁴

Objective 2.2, “Increase Transparency and Public Participation,” seeks to expand stakeholder collaboration and provide effective platforms for engagement. AAPCA members support a strengthening of partnerships with states, tribes, and communities. AAPCA has highlighted transparency concerns in comments on a variety of topics. For example, in September 2016, AAPCA sent a letter to U.S. EPA's Office of Enforcement and Compliance Assurance and Office of Air and Radiation concerning data display issues on Enforcement and Compliance History Online (ECHO).¹⁵ AAPCA agencies have also expressed continued concern about EPA’s reliance on the Integrated Planning Model (IPM), and appreciate Agency moves to shift to more transparent platforms. IPM is a proprietary model that often forces air agencies to guess about key inputs and assumptions. As such, its use by EPA is inconsistent with provisions of EO 13777 (requiring Regulatory Reform Task Forces to identify regulations that “rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility”) and EO 13783 (establishing a policy that environmental regulations “are developed through transparent processes that employ the best available, peer-reviewed science and economics”).¹⁶

¹² In September 2017, AAPCA submitted [comments](#) on the [list of candidates](#) under consideration for U.S. EPA's chartered SAB as well as [comments](#) on the [list of candidates](#) for U.S. EPA's chartered CASAC.

¹³ http://www.csg.org/aapca_site/documents/AAPCATestimony-U.S.HouseInteriorAppropriations-5-23-17.pdf.

¹⁴ EPA response to comments for the [Office of Air and Radiation](#) and [Office of Enforcement and Compliance Assurance](#) ahead of EPA’s recently finalized [FY2018 – 2019 National Program Manager Guidances](#).

¹⁵ http://www.csg.org/aapca_site/documents/AAPCA-ECHODisplayIssues-9-2-2016.pdf.

¹⁶ AAPCA, [Principles for Addressing Interstate and International Ozone Transport](#), September 2017.

Goal 3 – Rule of Law and Process

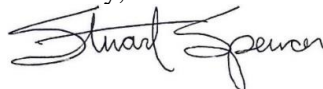
AAPCA members support a focus on statutory obligations. For example, recent Association comments on candidates for the SAB and CASAC have focused on the statutory requirements for those panels.¹⁷ Objective 3.1 seeks to enforce environmental laws to correct noncompliance, noting the critical role of state and local agencies in compliance and enforcement activities. According to U.S. EPA’s ECHO, states conducted full compliance evaluations related to the Clean Air Act for more than 14,500 facilities in 2016, more than 80 times as many that were conducted by EPA. For the more than 4,000 facilities subjected to formal or informal enforcement actions in 2016, more than 90 percent were carried out by states – 18 times the number carried out by U.S. EPA.¹⁸

In “External Factors and Emerging Issues” for Objective 3.1 (and echoed in Objective 1.1), EPA discusses advanced monitoring technology and shifting paradigms for air quality data. AAPCA has developed a fact sheet, entitled *Preparing for Personal Air Sensors: Definition, Opportunities, and Data Limitations*, to help air agencies communicate about advanced monitors and low-cost sensors.¹⁹ Assessments of emerging monitoring technologies by AAPCA members informed the contents of this publication. In *The Greatest Story Seldom Told*, AAPCA highlighted the critical role of state and local agencies in communicating and contextualizing air quality information “in a world of social media as well as the advancement of so-called ‘Big Data’ and highly localized measurement technologies including low-cost personal air sensors.”²⁰ State and local agencies are often the first point of contact for community air quality concerns.

Objective 3.4 seeks to streamline and modernize permitting and reporting systems. AAPCA highlighted in *The Greatest Story Seldom Told* that member states in 2016 averaged only a 15 percent backlog for renewing Title V permits among states with more than 100 Title V sources, compared to the national average of 20.5 percent. AAPCA and member reviews of EPA regulatory reform have identified a number of permitting and reporting requirements ripe for modernization including: Cross-Media Electronic Reporting Rule (CROMERR); Title V permitting requirements; Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs; permitting requirements for wood burning air curtain incinerators; and Prevention of Significant Deterioration (PSD) permit review.²¹

Thank you for the attention to these comments. If you have any questions, please contact Mr. Clint Woods, Executive Director, at cwoods@csg.org or (859) 244-8040.

Sincerely,



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Environmental Quality
President, AAPCA

¹⁷ AAPCA comments on the list of candidates under consideration for EPA's [chartered SAB](#) and [chartered CASAC](#).

¹⁸ AAPCA, [The Greatest Story Seldom Told: Profiles and Success Stories in Air Pollution Control](#), April 2017.

¹⁹ AAPCA, “[Preparing for Personal Air Sensors: Definition, Opportunities, and Data Limitations](#),” June 2017.

²⁰ AAPCA, [The Greatest Story Seldom Told: Profiles and Success Stories in Air Pollution Control](#), April 2017, pg. 4.

²¹ AAPCA, [Principles for Addressing Interstate and International Ozone Transport](#), September 2017.