



# THE STATE OF REGULATORY REFORM Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777

A Report by the Association of Air Pollution Control Agencies<sup>1</sup>  
July 2017

## SUMMARY

Following the issuance and publication of Executive Order (EO) 13777 on Enforcing the Regulatory Reform Agenda, the U.S. Environmental Protection Agency (EPA) established a Regulatory Reform Task Force to oversee the evaluation of existing regulations to make recommendations about potential repeal, replacement, or modification. Concurrent with outreach efforts,<sup>2</sup> U.S. EPA accepted public comments on regulations that may be appropriate for repeal, replacement, or modification from April 11 to May 15, 2017. As of July 18, 2017, the docket accompanying this request for comment included more than 467,000 public comments received, with just over 63,000 available.<sup>3</sup>

In order to help navigate these comments and assess intergovernmental priorities for regulatory reform, this report highlights individual Clean Air Act regulations and themes discussed in state environmental agency comments as part of this comment process. In particular, Clean Air Act regulations and themes discussed by at least three state environmental agencies are included, accompanied by links to illustrative comments and excerpts from state and local agencies and associations. The report is designed to help illustrate key priorities, but it does not contain details on individual comments including whether commenters specified whether regulations are appropriate to repeal, replace, modify, or maintain. Inclusion of regulations or concepts in this report does not imply endorsement from AAPCA or its member agencies.

The regulations identified in this report may also be relevant to EO 13783 on Promoting Energy Independence and Economic Growth,<sup>4</sup> EO 13771 on Reducing Regulation and Controlling Regulatory Costs<sup>5</sup> as well as EO 13563 on Improving Regulation and Regulatory Review.<sup>6</sup> For example,

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<sup>1</sup> 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. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments. You can find more information about AAPCA at: <http://www.cleanairact.org>. In addition, more information on AAPCA agencies can be found in the recently released report, *The Greatest Story Seldom Told: Profiles and Success Stories in Air Pollution Control*.

<sup>2</sup> <https://www.epa.gov/laws-regulations/regulatory-reform>.

<sup>3</sup> <https://www.regulations.gov/docket?D=EPA-HQ-OA-2017-0190>.

<sup>4</sup> <https://www.whitehouse.gov/the-press-office/2017/03/28/presidential-executive-order-promoting-energy-independence-and-economy-1>.

<sup>5</sup> [82 FR 9339](#) (2/3/2017).

<sup>6</sup> [76 FR 3821](#) (1/21/2011).

the May 8 memorandum from the Office of Information and Regulatory Affairs to Regulatory Reform Officers and Regulatory Policy Officers<sup>7</sup> encouraged agencies to coordinate compliance with Section 2 of EO 13783 with EO 13777 ahead of submitting a draft final report by July 26, 2017. Additionally, comments related to implementation of National Ambient Air Quality Standards (NAAQS) and ground-level ozone may help inform U.S. EPA's Ozone Cooperative Compliance Task Force.<sup>8</sup>

During the comment period, 24 state environmental agencies provided comments to U.S. EPA related to Clean Air Act or cross-media regulations (states shown in blue in map at right).<sup>9</sup> In addition, a number of state Attorneys General,<sup>10</sup> local air agencies and governments,<sup>11</sup> non-environmental state agencies, and intergovernmental associations and advisory committees<sup>12</sup> also provided feedback to U.S. EPA.

In no particular order, these air quality regulations and themes include:

- *“Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards* (pg. 3)
- *Treatment of Data Influenced by Exceptional Events* (pg. 4)
- *Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills* (pg. 4 – 5)
- *Standards for Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, and Reciprocating Internal Combustion Engines* (pg. 5)
- *Startup, Shutdown, and Malfunction State Implementation Plan Call* (pg. 6)
- *Title V Permitting Requirements for Air Curtain Incinerators/Destructors* (pg. 7)
- *Regional Haze* (pg. 7 – 8)
- *Nitrogen Oxides State Implementation Plan Call (NO<sub>x</sub> SIP Call)* (pg. 8)
- *Interstate Ozone Transport* (pg. 9)



<sup>7</sup> Dominic Mancini, Office of Information and Regulatory Affairs, “[Guidance for Section 2 of Executive Order 13783, Titled ‘Promoting Energy Independence and Economic Growth’](#),” May 8, 2017 (Memorandum).

<sup>8</sup> Task Force identified in [June 6 letters](#) to Governors on extending the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year.

<sup>9</sup> AAPCA has compiled all state and local environmental comments [here](#).

<sup>10</sup> For example, comments from the [Texas Attorney General](#) and the [Attorneys General of West Virginia, Alabama, Arkansas, Indiana, Louisiana, Michigan, Oklahoma, and South Carolina](#) contained recommendations related to air quality issues.

<sup>11</sup> For example, comments from the [Harris County Pollution Control Services Department](#) (TX), [Maricopa County Air Quality Department](#) (AZ), [Fairbanks North Star Borough, Air Quality Division](#) (AK), [Clark County Department of Air Quality](#) (NV), [Bay Area Air Quality Management District](#) (CA), [South Coast Air Quality Management District](#) (CA), and [Cooke County](#) (TX) contained recommendations related to air quality issues.

<sup>12</sup> For example, comments from the [Association of Air Pollution Control Agencies](#), [Environmental Council of the States](#), [Northeast States for Coordinated Air Use Management](#), [National Steering Committee](#), [Small Business Environmental Assistance Program](#), [National Association of Counties](#), [National League of Cities](#), [U.S. Conference of Mayors](#), and [National Association of Regional Councils](#), [National Association of County and City Health Officials](#), U.S. EPA's [Local Government Advisory Committee](#), [Western Governors Association](#), [National Tribal Air Association](#), and [American Association of State Highway and Transportation Officials](#) contained recommendations related to air quality issues.

- *Clean Power Plan and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units* (pg. 10)
- *Modeling Issues & Appendix W* (pg. 10 – 11)
- *Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements* (pg. 11)
- *2015 National Ambient Air Quality Standards for Ground-Level Ozone* (pg. 12)
- *Cross-Media Electronic Reporting Rule and Other Electronic Reporting Requirements* (pg. 13 – 14)
- *Monitoring Requirements* (pg. 14)
- *Other Title V Permit Review/Petition Issues* (pg. 15)
- *Guidance as De Facto Rulemaking* (pg. 15)
- *General National Ambient Air Quality Standards & State Implementation Plan Process Improvements* (pg. 16)

**“Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards (Seitz Memorandum)<sup>13</sup>**

“The EPA ‘Once In, Always In’ policy is unfair to the regulated community and unrealistic in implementation, and it should be rescinded. This policy is a barrier to achieving greater environmental protection... In the alternative to rescission, the EPA is encouraged to provide clarity, environmental incentives, and national consistency through rulemaking.”

- **Maine Department of Environmental Protection**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment (pg. 1)
- [Connecticut Department of Energy and Environmental Protection](#), pg. 2
- [Georgia Environmental Protection Division](#), pg. 1
- [Maine Department of Environmental Protection](#), pg. 1, 3 – 5
- [Minnesota Pollution Control Agency](#), pg. 6
- [North Carolina Division of Air Quality](#), pg. 36
- [Ohio Environmental Protection Agency](#), pg. 6 – 7
- [South Dakota Department of Environment and Natural Resources](#), pg. 4

Other relevant comments: [Environmental Council of the States](#), pg. 2; [Northeast States for Coordinated Air Use Management](#), pg. 2; [National Steering Committee, Small Business Environmental Assistance Program](#), pg. 4 – 5; [Association of Air Pollution Control Agencies](#), pg. 4

<sup>13</sup> Memorandum can be found [here](#).

## ***Treatment of Data Influenced by Exceptional Events<sup>14</sup>***

“Certain requirements in the Revised Rule are onerous and may result in monitored exceedances due to natural sources influencing national ambient air quality standard (NAAQS) designations of nonattainment. In turn, such nonattainment designations may lead to unnecessary and expensive measures that could have been avoided if more reasonable exceptional events demonstration requirements were in place.”

- **Arkansas Department of Environmental Quality**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment (pg. 2)
- [Arkansas Department of Environmental Quality](#), pg. 7 – 8
- [North Carolina Division of Air Quality](#), pg. 19 – 20
- [Utah Division of Air Quality](#), pg. 3 – 4
- [Wyoming Department of Environmental Quality](#), pg. 6 – 7

Other relevant comments: [Clark County Department of Air Quality](#) (NV), pg. 3; [American Association of State Highway and Transportation Officials](#), Attachment; [Western Governors Association](#), pg. 13; [Association of Air Pollution Control Agencies](#), pg. 3

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## ***Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills<sup>15</sup>***

“The rules apply to all landfills that have accepted waste since 1987 and that were constructed on or before July 17, 2014, including landfills previously subject to 40 CFR 60 Subparts Cc and WWW. This has the potential to be duplicative and confusing for regulated sources in Wyoming.”

- **Wyoming Department of Environmental Quality**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment (pg. 1)
- [Arkansas Department of Environmental Quality](#), pg. 6
- [Michigan Department of Environmental Quality](#), pg. 5

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<sup>14</sup> [81 FR 68216](#). More information: <https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>.

<sup>15</sup> [81 FR 59276](#) (08/26/16). More information, including related rules, is available at: <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>.

- [South Carolina Department of Health and Environmental Control](#), pg. 2 – 3
- [Wyoming Department of Environmental Quality](#), pg. 5

Other relevant comments: [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A; [Cooke County](#) (TX), pg. 1; [Association of Air Pollution Control Agencies](#), pg. 3

***Standards for Stationary Compression Ignition Internal Combustion Engines (NSPS III),<sup>16</sup> Stationary Spark Ignition Internal Combustion Engines (NSPS JJJJ),<sup>17</sup> and Reciprocating Internal Combustion Engines (RICE NESHAP/GACT ZZZZ)<sup>18</sup>***

“The regulations governing stationary compression and spark ignition internal combustion engines... are overly complicated, confusing, and include references which are recursive. Additionally, these regulations require a significant amount of analysis to determine the correct requirements for owners and operators and include costly requirements for small engines.”

- **Nevada Division of Environmental Protection**

Illustrative state environmental agency comments:

- [Arkansas Department of Environmental Quality](#), pg. 9
- [Georgia Environmental Protection Division](#), pg. 2
- [Maine Department of Environmental Protection](#), pg. 7
- [Michigan Department of Environmental Quality](#), pg. 6
- [Nevada Division of Environmental Protection](#), pg. 2
- [North Carolina Division of Air Quality](#), pg. 31

Other relevant comments: [Association of Air Pollution Control Agencies](#), pg. 5

<sup>16</sup> [81 FR 44212](#) (7/7/2016). More information: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-compression-ignition-internal-0>.

<sup>17</sup> [73 FR 3568](#) (1/18/2008). More information: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-spark-ignition-internal-combustion>.

<sup>18</sup> “National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines,” [78 FR 6674](#) (01/30/2013). More information: <https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0>.

## **Startup, Shutdown, and Malfunction State Implementation Plan Call (SSM SIP Call)<sup>19</sup>**

“EPA should withdraw its SIP call for 36 States published on June 12, 2015. EPA failed to provide the required finding of substantial inadequacy under the Clean Air Act.... The SIP Calls do not purport to improve air quality. EPA made no findings at all about air-quality effects of the States’ SSM regulations in general much less State-specific findings about the specific provisions that EPA has identified as substantially inadequate. Instead, EPA asserted that certain CAA requirements are ‘fundamental,’ such that any SIP provision that failed to satisfy them was substantially inadequate. In the absence of any factual finding of substantial inadequacy, however, EPA’s decision is inconsistent with the Act.”

- **North Carolina Division of Air Quality**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment (pg. 1)
- [Maine Department of Environmental Protection](#), pg. 11 – 12
- [North Carolina Division of Air Quality](#), pg. 32
- [South Dakota Department of Environment and Natural Resources](#), pg. 1
- [Wisconsin Department of Natural Resources](#), pg. 7

Other relevant comments: [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#) (Exhibit A); [Texas Attorney General](#) (Attachment 2); [Association of Air Pollution Control Agencies](#), pg. 3

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<sup>19</sup> “State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA’s SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,” [80 FR 33840](#) (06/12/2015). More information: <https://www.epa.gov/air-quality-implementation-plans/startup-shutdown-malfunction-ssm-emissions-industrial-facilities>.

## **Title V Permitting Requirements for Wood Burning Air Curtain Incinerators/Destructors<sup>20</sup>**

"The requirement in 40 CFR 60 Subpart CCCC to subject air curtain destructors (ACD) burning 100% clean wood waste and/or clean lumber to Title V permitting is burdensome. ACDs are typically located at small facilities, such as pallet manufacturers, that lack the resources necessary to comply with the regulatory burden of Title V. Furthermore, there is no environmental benefit."  
- **Georgia Environmental Protection Division**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment (pg. 1)
- [Georgia Environmental Protection Division](#), pg. 1 – 2
- [Kansas Department of Health and Environment](#), pg. 1 – 2
- [South Carolina Department of Health and Environmental Control](#), pg. 2 – 3

Other relevant comments: [National Steering Committee, Small Business Environmental Assistance Program](#), pg. 13 – 14; [Association of Air Pollution Control Agencies](#), pg. 4

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## **Regional Haze, including Protection of Visibility: Amendments to Requirements for State Plans<sup>21</sup> and Federal Implementation Plans for Regional Haze<sup>22</sup>**

"Rule maintains the outdated Reasonably Attributable Visibility Impairment (RAVI) and requires five-year progress reports, seen as unnecessary by states... Benefits cannot be justified by cost associated with implementing. For example, the relative reduction in regional haze at particular Class I area is not considered when evaluating the implementation of additional controls at specific facilities in areas under a Federal Implementation Plan."  
- **Association of Air Pollution Control Agencies**

Illustrative state environmental agency comments:

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<sup>20</sup> Found in EPA's final rule "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units," [81 FR 40956](#) (6/23/2016). See also: <https://www.epa.gov/title-v-operating-permits/air-curtain-incinerators-and-title-v-operating-permits>.

<sup>21</sup> [82 FR 3078](#) (01/10/2017). More information on Regional Haze available at: <https://www.epa.gov/visibility>.

<sup>22</sup> For example, see EPA's [Regional Haze Federal Implementation Plan for Arkansas](#).

- [Alaska Department of Environmental Conservation](#), pg. 7 – 8
- [Arizona Department of Environmental Quality](#), Attachment (pg. 2)
- [Arkansas Department of Environmental Quality](#), pg. 2 – 6
- [Minnesota Pollution Control Agency](#), pg. 6
- [Nevada Division of Environmental Protection](#), pg. 2
- [North Carolina Division of Air Quality](#), pg. 24 – 26
- [South Dakota Department of Environment and Natural Resources](#), pg. 3
- [Wyoming Department of Environmental Quality](#), pg. 4 – 5

Other relevant comments: [Texas Attorney General](#), Attachment 1 & 2; [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A; [Association of Air Pollution Control Agencies](#), pg. 3

### ***Nitrogen Oxides State Implementation Plan Call (NO<sub>x</sub> SIP Call)<sup>23</sup>***

“The Department would like the EPA to repeal the NO<sub>x</sub> SIP Call. At minimum, consider allowing an exemption for states where emissions are far under budget such as SC, or replace 40 CFR Part 75 monitoring with 40 CFR Part 60 monitoring requirements for those large non-EGUs operating in states well below the budget. States should be given the freedom to address their downwind obligations to meet their CSAPR budget limits with tailor-made solutions each state designs to fit their needs.”

- **South Carolina Department of Health and Environmental Control**

Illustrative state environmental agency comments:

- [North Carolina Division on Air Quality](#), pg. 10 – 11
- [Ohio Environmental Protection Agency](#), pg. 4 – 5
- [South Carolina Department of Health and Environmental Control](#), pg. 1 – 2

Other relevant comments: [Association of Air Pollution Control Agencies](#), pg. 2

<sup>23</sup> [63 FR 57356](#) (10/27/1998). More information available [here](#).



## ***Interstate Ozone Transport, Including Transport Rules for 2008 and 2015 National Ambient Air Quality Standards for Ground-Level Ozone***

“Under Clean Air Act (CAA) Section 110(a)(2)(d)(i)(I), referred to as the ‘good neighbor provision,’ States are obligated to prohibit emissions that contribute significantly to nonattainment or interfere with maintenance of a national ambient air quality standard (NAAQS) in any other State. The manner in which this provision is implemented has long been a significant burden on States and regulated entities.... U.S. EPA has set a standard for implementation that no State could realistically perform on their own in order to fulfill their obligations to address the good neighbor provision in their infrastructure SIPs, or at least not without significant resource burdens to all the individual States. Therefore, States are repeatedly subject to the FIP process and deterred from their right to try to address the obligation in the first instance with a SIP. Furthermore, of greatest concern is U.S. EPA’s choice of a screening threshold of 1 percent of the NAAQS.... The lower standards get with each subsequent review by U.S. EPA, approaching background concentrations, the more meaningful this 1 percent threshold becomes and the more insurmountable the task of finding reductions to eliminate the contribution. U.S. EPA must evaluate this process and raise this threshold if it intends to continue this framework.”

- **Ohio Environmental Protection Agency**

Illustrative state environmental agency comments:

- [Colorado Air Pollution Control Division](#), pg. 2
- [Connecticut Department of Energy and Environmental Protection](#), pg. 1
- [Kansas Department of Health and Environment](#), pg. 1
- [North Carolina Division of Air Quality](#), pg. 2 - 3, 18 – 19
- [Ohio Environmental Protection Agency](#), pg. 1 – 2
- [South Dakota Department of Environment and Natural Resources](#), pg. 3
- [Utah Division of Air Quality](#), pg. 4

Other relevant comments: [Texas Attorney General](#), Attachment 2; [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A; [Northeast States for Coordinated Air Use Management](#), pg. 2; [Association of Air Pollution Control Agencies](#), pg. 1 – 3, 7 – 8.

***Clean Power Plan<sup>24</sup> and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units<sup>25</sup>***

“The rule called for large reduction in emissions from Indiana power plants and did not give us the time to make wise decisions about how to accomplish this with minimal cost or interruption of power.”

- **Indiana Department of Environmental Management**

Illustrative state environmental agency comments:

- [Alaska Department of Environmental Conservation](#), pg. 1, 8
- [California Air Resources Board](#), pg. 2
- [Connecticut Department of Energy and Environmental Protection](#), pg. 1
- [Indiana Department of Environmental Management](#), pg. 3
- [Kansas Department of Health and Environment](#), pg. 1
- [Pennsylvania Department of Environmental Protection](#), pg. 2
- [South Dakota Department of Environment and Natural Resources](#), pg. 3
- [Wyoming Department of Environmental Quality](#), pg. 7

Other relevant comments: [Texas Attorney General](#), Attachment 2; [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A

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***Modeling Issues & Appendix W<sup>26</sup>***

“EPA relies on the development and use of emissions and air quality modeling studies to understand the relative contributions of emissions sources to potential violations of the NAAQS and contributions to regional haze pollution.... EPA’s lack of responsiveness to air agency questions and concerns raises questions about the reasonableness and accuracy of the modeling studies and EPA’s intentions.”

- **North Carolina Division of Air Quality**

Illustrative state environmental agency comments:

- [Nevada Division of Environmental Protection](#), pg. 2

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<sup>24</sup> [80 FR 64662](#) (October 23, 2015).

<sup>25</sup> [80 FR 64510](#) (October 23, 2015).

<sup>26</sup> [82 FR 5182](#) (1/17/2017)

- [North Carolina Division of Air Quality](#), pg. 18 – 21
- [Wisconsin Department of Natural Resources](#), pg. 3
- [Wyoming Department of Environmental Quality](#), pg. 5 – 6

Other relevant comments: [American Association of State Highway and Transportation Officials](#), pg. 5 – 7

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### ***Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements<sup>27</sup>***

“Proposed Implementation Rule for 2015 Ozone Standard.... would require controls for nonattainment areas that demonstrate the international emissions are responsible for nonattainment issues. Proposed rule would also require control for upwind areas adjacent to nonattainment areas. States should be given discretion on how to implement the standard, especially regarding international transport demonstrations and interstate transport.”

- **Arizona Department of Environmental Quality**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment, pg. 1
- [Maine Department of Environmental Protection](#), pg. 11
- [Nevada Division of Environmental Protection](#), pg. 1
- [North Carolina Division of Air Quality](#), pg. 4
- [Ohio Environmental Protection Agency](#), pg. 2 – 3

Other relevant comments: [Clark County Department of Air Quality](#) (NV), pg. 1 – 2; [American Association of State Highway and Transportation Officials](#), Attachment; [Western Governors Association](#), pg. 13; [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A

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<sup>27</sup> 81 FR 81276.

## 2015 National Ambient Air Quality Standards for Ground-Level Ozone<sup>28</sup>

“South Dakota looked into the sources of the air pollutants that cause high ozone concentrations in South Dakota. The preliminary information indicates ozone-forming air pollutants are predominantly coming from sources outside of our state. Average ozone concentrations or background levels for South Dakota are high because of the ozone and ozone-forming pollutants coming from areas upwind from our state. DENR recommends that the National Ambient Air Quality Standards should not be lowered until a majority of the current nonattainment areas have been resolved. By concentrating on fixing these nonattainment areas, air quality will improve in both the nonattainment areas and in states like South Dakota.”

- **South Dakota Department of Environment and Natural Resources**

Illustrative state environmental agency comments:

- [Arizona Department of Environmental Quality](#), Attachment, pg. 1
- [Maine Department of Environmental Protection](#), pg. 11
- [Nevada Division of Environmental Protection](#), pg. 1
- [North Carolina Division of Air Quality](#), pg. 4
- [Ohio Environmental Protection Agency](#), pg. 2 – 3
- [South Dakota Department of Environment and Natural Resources](#), pg. 2 – 3
- [Wisconsin Department of Natural Resources](#), pg. 2 – 3

Other relevant comments: [Clark County Department of Air Quality \(NV\)](#), pg. 1 – 2; [American Association of State Highway and Transportation Officials](#), Attachment; [Western Governors Association](#), pg. 13; [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), Exhibit A; [Texas Attorney General](#), Attachment 2; [National Association of Counties, National League of Cities, U.S. Conference of Mayors, and National Association of Regional Councils](#); [Association of Air Pollution Control Agencies](#), pg. 3

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<sup>28</sup> 80 FR 65292.

## ***Cross-Media Electronic Reporting Rule (CROMERR)<sup>29</sup>***

“SCAQMD staff believes that implementation of CROMERR as written and interpreted by EPA limits the ability for local, regional and state agencies to develop and implement online streamlining mechanisms aimed at reducing administrative burdens on regulated parties.”

- **South Coast Air Quality Management District**

Illustrative state environmental agency comments:

- [Maine Department of Environmental Protection](#), pg. 9 – 10
- [Massachusetts Department of Environmental Protection](#), pg. 2
- [North Carolina Division of Air Quality](#), pg. 29 – 30

Other relevant comments: [South Coast Air Quality Management District](#), pg. 1 – 2; [Association of Air Pollution Control Agencies](#), pg. 2

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## ***Other Electronic Reporting Requirements (Including CEDRI/CDX)***

“The current electronic reporting infrastructure makes it very confusing for small businesses to submit required reports. Each rule may have only certain reports (i.e., Notification of Compliance Status, Performance Evaluation Results) that are required to be submitted electronically, while others can still submit on paper. Yet, when the business (or its representative) attempts to use CEDRI or the Central Data Exchange (CDX) to submit a required electronic report, the particular test method or form is not available... Because electronic reporting results in excessive burdens for smaller businesses, we recommend that more flexibility in format of the reports/records be allowed.”

- **National Steering Committee, Small Business Ombudsmen/Small Business Environmental Assistance Programs**

Illustrative state environmental agency comments:

- [Maine Department of Environmental Protection](#), pg. 7 – 9

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<sup>29</sup> [70 FR 59848](#) (10/13/2005). More information: <https://www.epa.gov/cromerr>.

- [Michigan Department of Environmental Quality](#), pg. 4
- [North Carolina Division of Air Quality](#), pg. 29 – 30

Other relevant comments: [Association of Air Pollution Control Agencies](#), pg. 2

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### ***Monitoring Requirements***

“ECOS recommends that EPA allow states to reduce monitoring in maintenance areas that can demonstrate permanent ambient pollutant levels significantly below the level of the relevant National Ambient Air Quality Standards (NAAQS). In many areas of the country, ambient levels of pollutants have been drastically and permanently reduced based on improvements in technology, land use changes, and the implementation of State Implementation Plan controls. However, under current rules and guidance documents... these areas are required to continue to operate monitors throughout the 20-year maintenance period, even when these monitors demonstrate no threat of NAAQS violation. This imposes a significant cost with no environmental benefit; these are resources that could be better spent understanding pollutants that are a current health concern.”

- **The Environmental Council of the States**

Illustrative state environmental agency comments:

- [Alaska Department of Environmental Conservation](#), pg. 6 – 7
- [Arizona Department of Environmental Quality](#), pg. 1
- [Minnesota Pollution Control Agency](#), pg. 8
- [North Carolina Division of Air Quality](#), pg. 34
- [Utah Division of Air Quality](#), pg. 4 – 5
- [Wisconsin Department of Natural Resources](#), pg. 7
- [Wyoming Department of Environmental Quality](#), pg. 6

Other relevant comments: [Fairbanks North Star Borough, Air Quality Division](#) (AK), pg. 2 – 4; [Maricopa County Air Quality Department](#) (AZ), pg. 1 – 2; [Environmental Council of the States](#), pg. 3 – 4; [Association of Air Pollution Control Agencies](#), pg. 6

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## Other Title V Permit Review/Petition Issues

“In 2004, the Clean Air Act Advisory Committee (CAAAC) established a Task Force on Title V Implementation Experience... to report on stakeholder experience with implementation of the Title V operating permit program required under 40 CFR Part 70... U.S. EPA should examine this report and move forward with recommendations to provide the much-needed improvement to the Title V permit system.”

- **Ohio Environmental Protection Agency**

Illustrative state environmental agency comments:

- [Georgia Environmental Protection Division](#), pg. 3
- [Nebraska Department of Environmental Quality](#)
- [North Carolina Division of Air Quality](#), pg. 33
- [Ohio Environmental Protection Agency](#), pg. 3
- [South Dakota Department of Environment and Natural Resources](#), pg. 2

Other relevant comments: [Association of Air Pollution Control Agencies](#), pg. 4

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## Guidance as De Facto Rulemaking

“EPA guidance has a long history of becoming *de facto* rulemaking and imposes oversight or operational demands on state regulatory agencies that were not necessarily contemplated in an underlying rule. Existing guidance should be examined with direct state agency staff representation to eliminate those that inhibit rather than support cost-effective and successful state regulatory strategies.”

- **Oklahoma Department of Environmental Quality**

Illustrative state environmental agency comments:

- [Maine Department of Environmental Protection](#), pg. 1 – 2
- [North Carolina Division of Air Quality](#), pg. 27 – 28
- [Oklahoma Department of Environmental Quality](#), pg. 11
- [Utah Division of Air Quality](#), pg. 1 – 2

Other relevant comments: [Association of Air Pollution Control Agencies](#), pg. 4

## **General National Ambient Air Quality Standards & State Implementation Plan Process Improvements**

"EPA should review and revise regulations to improve the State Implementation Plan (SIP) approval process. The SIP is the federally-enforceable plan for each State that sets out how that State will attain the various National Ambient Air Quality Standards (NAAQS) set forth in the Clean Air Act. The agency should continue to work efficiently to clear the backlog of SIPs, align SIP approval dates, and improve communication with the States."

- **Attorneys General of West Virginia, Alabama, Arkansas, Indiana, Louisiana, Michigan, Oklahoma, and South Carolina**

Illustrative state environmental agency comments:

- [California Air Resources Board](#), pg. 2
- [Kansas Department of Health and Environment](#), pg. 1
- [Maine Department of Environmental Protection](#), pg. 10 – 13
- [North Carolina Division of Air Quality](#), pg. 4 – 6
- [Ohio Environmental Protection Agency](#), pg. 1 – 5
- [Wisconsin Department of Natural Resources](#), pg. 2 – 3

Other relevant comments: [Attorneys General of WV, AL, AR, IN, LA, MI, OK, and SC](#), pg. 4 – 5; [Association of Air Pollution Control Agencies](#), pg. 7 – 8

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