

Office of Air and Radiation (OAR) FY 2020-2021 National Program Guidance: External Comments and Responses

June 7, 2019

Issue Area	Comment	Commenter(s)	Location	Response
National Ambient Air Quality Standards (NAAQS)	States expend significant resources developing plans to meet national ambient air quality standards (NAAQS). AAPCA members agree that early engagement with U.S. EPA Regional Offices during the development of state implementation plans (SIPs) is a key component of improving the SIP process. A collaborative approach that recognizes state expertise on localized issues could lead to a streamlined process resulting in SIPs being approved in a timelier manner.	Association of Air Pollution Control Agencies (AAPCA)	Page 2 A.1 National Ambient Air Quality Standards (NAAQS)	EPA recognizes the resources states expend to attain the NAAQS and agree that early engagement is critical during the development of SIPs, especially complex draft SIPs. For example, EPA will engage with air agencies early on to allow for revisions to SIP packages prior to the comment periods at the state and local level.
NAAQS	<p>U.S. EPA Regional Office assistance and technical support is important to SIP development and should recognize the primary role of states in developing these plans. Working to reduce the current SIP backlog and improve the approval process should be a priority for U.S. EPA and U.S. EPA Regions in order to help states in meeting attainment deadlines.</p> <p>In this draft Guidance, U.S. EPA OAR indicates that an Expected Regional Activity will be to “Assist air agencies in the revision of startup, shutdown, and malfunction [SSM] regulations, as appropriate.” AAPCA members are interested in more information from U.S. EPA regarding expectations for revisions to SSM regulations, and the necessary changes for approval.</p>	AAPCA	Page 3 A.1 NAAQS A.1.1 Expected Regional Activities A.1.1.2 SIPs Page 18 A.1 Continuing Air Program	EPA has prioritized continued coordination and engagement with states, specifically on SIPs. EPA is focused on supporting air agencies in meeting attainment deadlines. Regarding the SSM regulations, the guidance identifies SSM as a specific area where EPA would work to assist states, as appropriate, in response to the 2015 SIP Action that called a number of SIPs on the basis that those SIPs contained deficient SSM provisions. While the Agency is committed to assisting air agencies in making the necessary revisions to ensure their SIPs are approvable and up-to-date, the Agency is in the process of reviewing the 2015 Action. When timely, EPA plans to provide additional information regarding expectations for what changes state air agencies may need to take once EPA has completed its review.
NAAQS	Early and collaborative engagement with state and local air agencies in the development of guidance and regulations can bring important	AAPCA	Page 4 A.1 NAAQS	Over the past year, EPA issued several guidance documents and other tools intended to support streamlined implementation of the Exceptional

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	<p>on-the-ground expertise to the process as well as provide vital information to U.S. EPA regarding unique social factors. AAPCA members appreciate U.S. EPA's recognition of the need for engaging air agencies early in the FY 2020 OAR National Program Guidance. Exceptional events demonstrations require air agencies to utilize significant resources to exclude data that may have an adverse regulatory impact. Agencies have commented in the past that demonstrations are often not acted on by U.S. EPA. OAR prioritization of improving the process for exceptional events demonstrations, including acknowledgement and timely review by EPA, is appreciated.</p>		<p>A.1.1 Expected Regional Activities</p> <p>A.1.1.3 Other</p>	<p>Events Rule. All of those documents were available for air agency review prior to finalization, and EPA appreciates the importance of that engagement. EPA recommends that air agencies consult as early as possible with Regional Offices before preparing any exceptional events demonstrations.</p>
<p>NAAQS</p>	<p>So long as EPA provides documentation and methodology well in advance of due dates, N.C. DEQ-DAQ is prepared to submit data to EPA for the nonpoint emissions for the 2020 NEI.</p>	<p>North Carolina Department of Environmental Quality, Division of Air Quality (N.C. DEQ-DAQ)</p>	<p>Section A.1.2.3 – number 5</p>	<p>In response to this comment, EPA has revised item 5 under section A.1.2.3 to reflect that comments in 2021 will only be expected for those nonpoint methods that the EPA publishes during that time. Likewise, only some data submissions will be expected during 2021 and EPA indicates that those submissions would be in accordance with the NEI schedule. EPA notes that there are expected activities for nonpoint source that continue into 2022, though this guidance does not cover that period. EPA intends to publish the 2020 NEI development plan by late winter of 2020.</p>
<p>NAAQS</p>	<p>So long as EPA provides documentation and methodology well in advance of due dates, N.C. DEQ-DAQ is prepared to submit data to EPA for the point emissions for the 2020 NEI.</p>	<p>N.C. DEQ-DAQ</p>	<p>Section A.1.2.3 – number 6</p>	<p>In response to this comment, EPA has clarified that item 6 is intended to reflect the 2019 submission requirement and item 7 is included to apply to the 2020 submission requirement. No guidance is provided for the 2019 point source submissions, though EPA staff are available to answer questions. For the 2020 point emissions and other required data such as mobile source activity data, EPA intends to publish the 2020 NEI development plan</p>

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				by late winter of 2020, which should provide ample time for submission of data required at the end of 2021.
NAAQS	N.C. DEQ-DAQ requests that this goal be removed from the funding agreement. Participation in the EPA ozone and PM Advance programs is voluntary and should not be included in a funding agreement.	N.C. DEQ-DAQ	Section A.1.2.3 – number 8	OAR’s National Program Guidance communicates the range of activities state and local air agencies may undertake, as appropriate. The Agency recognizes that all items in the guidance are not appropriate for all funding agreements. Funding agreements are subject to discussions between the states and EPA’s Regional Offices.
NAAQS - Tribes	In Section II, A, A.1 National Ambient Air Quality Standards, the draft states, “EPA plans to review the current NAAQS for ozone and particulate matter by the end of 2020.” Further, “EPA will continue to work with air agencies on all aspects of implementing the NAAQS.” This commitment is insufficient with respect to the interests of Tribes and Alaska Native Villages. Tribes should be aware of, and encouraged to participate in, EPA processes for reviewing and potentially revising any NAAQS. Both ozone and particulate matter standards are of particular importance given the current and potential non-attainment status of Tribal lands and the potential adverse health consequences of degraded air quality. NAAQS consultation and coordination with Tribes is important and beyond” ...implementing the NAAQS.	National Tribal Air Association (NTAA)	A.1 NAAQS	Sections 108 and 109 of the Clean Air Act (CAA) govern the establishment, review, and revision, as appropriate, of the NAAQS for each criteria air pollutant to provide protection for the nation’s public health and the environment. The CAA requires periodic review of the science upon which the standards are based and the standards themselves. Reviewing the NAAQS is a significant undertaking and the Agency engages in multiple phases involving planning as well as scientific, risk/exposure, and policy assessment. Drafts of all documents are available for review and comment by the public. Taking into consideration this input, EPA develops and publishes a notice of proposed rulemaking communicating the Administrator’s proposed decisions on the review of the NAAQS. A public comment period, during which public hearings are often held, follows publication of the notice of proposed rulemaking. Taking into account comments received on the proposed rule, EPA issues a final rule. In addition to the public efforts in which tribes may participate, EPA is committed to continue to work closely with tribes, Alaska Native Villages, and NTAA to ensure early involvement in the NAAQS process. EPA will continue to regularly offer consultation to those

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				tribes who request consultation as well as ongoing and regular discussion with tribes on the NAAQS and other important air quality policy issues.
NAAQS - Tribes	Tribes must be engaged with EPA at any time NAAQS are revised and attainment/non-attainment designations are contemplated. EPA's issuance of "120-day day letters" is insufficient. NTAA recommends continuous coordination with Tribes on potential area designations/re-designations as essential to the health, economic and environmental interests of Tribes.	NTAA	A.1.1.1 Designations	EPA will engage with tribes on potential area designations/redesignations and clean data determinations, as appropriate. In addition to the public efforts in which tribes can participate, EPA has historically worked closely with tribes and NTAA to ensure early involvement in the NAAQS process. EPA will continue to regularly offer consultation to those tribes who request consultation as well as ongoing and regular discussion with tribes on the NAAQS and other important air quality policy issues. EPA will continue to follow the process discussed in the 2011 " Guidance to Regions for Working with Tribes during the National Ambient Air Quality Standards (NAAQS) Designations Process. "
NAAQS - Tribes	Additionally, the Draft Guidance calls for EPA to "Issue attainment determination actions and Clean Data Determinations for areas that are nonattainment for the 2008 and 2015 ozone NAAQS, the 2006 and 2012 PM2.5 NAAQS, and the 2010 SO2 NAAQS." It is imperative that consultation and coordination with all potentially affected Tribes occur before EPA contemplates such an action. Non-attainment with one or more NAAQS, and the causes and effects of such conditions, are significant concerns to many Tribes.	NTAA	A.1.1.3 Other	EPA will engage with tribes on attainment determinations, as appropriate. In addition to the public efforts in which tribes can participate, EPA has historically worked closely with tribes and NTAA to ensure early involvement in the NAAQS process. EPA will continue to regularly offer consultation to those tribes who request consultation as well as ongoing and regular discussion with tribes on the NAAQS and other important air quality policy issues. EPA will continue to follow the process discussed in the 2011 " Guidance to Regions for Working with Tribes during the National Ambient Air Quality Standards (NAAQS) Designations Process. "
NAAQS - Tribes	NTAA has previously commented on its interest in EPA support for collaborative efforts between Indian Tribes, state governments, and other local air pollution control agencies.	NTAA	A.1	Thank you for your comment. EPA has provided information on its application of Lean tools to the SIP process on NTAA calls and intends to continue to share pertinent information through that forum.

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	<p>However, the draft guidance in A.1 related to the more efficient processing of state implementation plans (SIPs) does not appear to take into consideration Tribes' interest in working with states on the development of SIPs. This collaboration, consultation, and cooperation becomes more critical as EPA seeks to push more enforcement and standard setting back to State and Tribal air quality programs. The draft guidance should specifically incorporate a consultation requirement for states with Tribes as part of the SIP development process.</p>			
Regional Haze	<p>AAPCA members recognize U.S. EPA's recent work with states to replace regional haze federal implementation plans (FIPs) with state implementation plans (SIPs) and look forward to continued collaboration to improve the development and approval process under the Regional Haze Rule.</p>	AAPCA	<p>Page 5 A.2 Regional Haze A.2.1 Expected Regional Activities</p>	<p>Thank you for your comment. EPA is committed to working collaboratively with states to replace regional haze FIPs from the first planning period with state submitted approvable SIPs.</p>
Regional Haze	<p>N.C. DEQ-DAQ strongly urges EPA to release its final Regional Haze guidance by the Spring of 2019.</p>	N.C. DEQ-DAQ	Section A.2 – Regional Haze	<p>EPA is committed to issuing this guidance in a timely manner to help states develop their regional haze plans.</p>
Regional Haze	<p>NTAA is pleased to see Regional Haze (RH) included as one measure of Expected Air Agency Activities. Tribes were very active in the first round of RH State Implementation Plan (SIP) preparations. However, that participation was largely due to money provided to the Regional Planning Organizations that led this work effort. That funding has not been renewed, and RH SIP work is now mostly being done through Multi-Jurisdictional Organizations, many of which have a pay-to-play structure that precludes Tribes from participating fully due to lack of</p>	NTAA	A.2 Regional Haze	<p>EPA is aware of the importance of tribes' past and current role in Regional Haze and Regional Planning Organizations activities. While the referenced funding is not included in the FY 2020 President's Budget, EPA has previously discussed with and encouraged NTAA to participate in Regional Haze/Multi-Jurisdictional Organizations meetings or other related air quality forums using the NTAA grant directly, as appropriate and allowable. Tribes may also work with their EPA Regional Office to decide if General Assistance Program (GAP) or other grant funding is available for this important work.</p>

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	travel funds to attend meetings. Restoring funding for this important work would help Tribes contribute to the final products.			
Title V and New Source Review Permitting - Tribes	With respect to Title V and New Source Review Permitting (A.3), the EPA wants to “recognize the primacy of SIP-approved PSD permitting programs.” This statement represents the EPA’s changed positions on its overview responsibilities under the Title V permitting program. While the draft guidance includes some activities related to supporting Tribes, and others, to participate in state permitting processes, the EPA should – due to its trust responsibilities to Tribes and Tribal environments – develop and promote efforts to pilot collaborative approaches between states and Tribes in Title V permitting. The guidance should include specific actions that require both EPA and air agency consultation with Tribes if directly affected by Title V, NSR and PSD permitting.	NTAA	A.3 Title V and New Source Review Permitting	EPA agrees that the relationship among tribes, the federal government, and states is important when developing air quality control programs. EPA will continue to follow existing guidance regarding consultations on air permits such as the October 2012 memorandum regarding timely processing of PSD permits when EPA or PSD delegated air agency issues the permit.
Ambient Monitoring /Grant Funding	The draft guidance notes the phasing out the use of section 103 funding authority for PM2.5 monitoring and transitioning to section 105 funding. If the PM2.5 network is transitioned into the 105 grant, which requires a minimum match of 40%, the WI DNR would not have adequate state funding to provide the additional match on the 105 grant and be forced to reduce the monitoring network and likely not meet EPA requirements.	Wisconsin Department of Natural Resources (WDNR)	Ambient Monitoring appendix, pages 3, 8	The transition of the funding for the PM2.5 monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM2.5 monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for a potential transition of the PM2.5 network.

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Ambient Monitoring /Grant Funding	EPA is proposing to begin shifting funding for the fine particulate matter (PM _{2.5}) monitoring network from Section 103 to Section 105 authority, which would require state and local agencies to provide matching funds. The PM _{2.5} monitoring program has been funded under Section 103 and this arrangement has worked very well. NACAA recommends that it continue and, therefore, we oppose the transition of the program to Section 105 authority. The proposed shift would require state and local agencies to provide a 40-percent match, which not all agencies can afford. Those agencies that are unable to provide matching funds would not be able to accept the grants for these important monitoring programs. As a result, these agencies could be forced to discontinue required monitoring at existing sites. Since these are nationwide monitoring efforts, NACAA believes the funding should be provided under Section 103 authority so it is accessible to all, regardless of their ability to match the grants.	National Association of Clean Air Agencies (NACAA)	Page 18 Continuing Air Program, Ambient Monitoring	The transition of the funding for the PM _{2.5} monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM _{2.5} monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for a potential transition of the PM _{2.5} network.
Ambient Monitoring	EPA is considering establishing a small network of daily filter-based PM _{2.5} speciated measurements in the most populated cities in the country. EPA should do a cost-benefit analysis of sampling utilizing the current speciated PM _{2.5} method, considering the practicality of employing a daily discrete sampling method while encouraging states to move towards continuous methods for PM _{2.5} .	NACAA	Page 18 Ambient Monitoring appendix, page 5	EPA and states have dedicated significant resources towards investigating opportunities in continuous speciation both in the mid-2000s and more recently with the sunset carbon analyzer (see: https://www.epa.gov/sites/production/files/2019-05/documents/sunset_epa-454r-19-005_1.pdf). Such investments have not yielded solutions for daily speciation that are practical or cost-effective such that the Agency can move away from filter-based speciation methods. While EPA has not committed to a small network of daily speciation using filter-based methods, EPA does think utilizing filter-based methods at this point is

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				<p>the best option, both in terms of the quality of the data and as there is an economy of scale in EPA's laboratory contracts (i.e., the more samples that are ordered, the better price EPA will receive).</p> <p>As part of EPA's longstanding monitoring strategy, EPA continues to encourage states to move towards continuous methods for PM2.5; this is also noted in the National Program Guidance Monitoring Appendix.</p>
Ambient Monitoring	<p>EPA is considering establishing a small network of daily filter-based PM2.5 speciated measurements in the most populated cities in the country. The National Program Guidance proposal includes PM2.5 monitoring funds shifting away from section 103 authorization. EPA should do a cost benefit analysis of sampling utilizing the current speciated PM2.5 method, considering the practicality of employing a daily discrete sampling method while encouraging states to move towards continuous methods for PM2.5.</p>	WDNR	Ambient Monitoring appendix, page 5	<p>EPA and states have dedicated significant resources towards investigating opportunities in continuous speciation both in the mid-2000s and more recently with the sunset carbon analyzer (see: https://www.epa.gov/sites/production/files/2019-05/documents/sunset_epa-454r-19-005_1.pdf). Such investments have not yielded solutions for daily speciation that are practical or cost-effective such that the agency can move away from filter-based speciation methods. While EPA has not committed to a small network of daily speciation using filter-based methods, EPA does think utilizing filter-based methods at this point is the best option, both in terms of the quality of the data and as there is an economy of scale in EPA's laboratory contracts (i.e., the more samples that are ordered, the better price EPA will receive).</p> <p>As part of EPA's longstanding monitoring strategy, EPA continues to encourage states to move towards continuous methods for PM2.5; this is also noted in the National Program Guidance Monitoring Appendix.</p>
Ambient Monitoring	<p>U.S. EPA OAR indicates that an Expected Regional Activity is to "Review states' annual network plans and act on requests for changes</p>	AAPCA	Page 8 A.4 Ambient Air Monitoring for	<p>EPA will continue to work towards timely approval of state and local monitoring plans.</p>

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	in state and local monitoring plans within 120 days.” Appropriately timed approval of these plans, and related changes, will help air agencies fulfill Clean Air Act obligations.		Criteria Pollutants A.4.1 Expected Regional Activities	
Air Toxics	The timing of U.S. EPA’s release of the 2014 National Air Toxics Assessment (NATA) created communication difficulties for several state and local air agencies. U.S. EPA should continue to coordinate with air agencies on the 2017 NATA data review and development.	AAPCA	Page 9 A.5 Air Toxics Program Implementation A.5.1 Expected Air Agency Activities	EPA acknowledges the communication challenges associated with the 2014 NATA and will work to better coordinate with air agencies on the 2017 NATA data review and development.
Air Toxics	EPA emphasizes activities to “support and assist air agencies in addressing air toxics” and calls upon the regional offices to “delegate and assist air agencies with Section 111, 112, and 129 standards.” This assistance is certainly necessary, but if EPA intends to rely on state and local air agencies to implement the air toxics program it is equally important that the agency provide adequate resources in the form of increased federal grants.	NACAA	Page 9 Air Toxics Program Implementation	EPA recognizes that there are not enough federal resources to fully support state air program needs and, as a result, EPA is prepared to work with states using established work-planning processes to provide flexibility and tailor work expectations and resource allocations to meet local circumstances, while ensuring that legal requirements are met.
Mobile Sources	Emissions from mobile sources, both heavy duty and light duty, continue to be a significant contributor to ozone concentrations in ozone nonattainment areas. Since states are very limited in their ability to address emissions from this sector, EPA needs to include agency commitments to continue to undertake actions to reduce mobile source emissions.	WDNR	Pages 11-12	EPA takes seriously states’ interest in making progress toward ozone attainment goals through reduction in emissions from mobile sources. EPA is committed to and working toward proposing new NOx standards for heavy duty trucks through the Cleaner Trucks Initiative, which has already benefitted from direct state input and through organizations including the Lake Michigan Air Directors Consortium (LADCO), AAPCA, and NACAA. EPA will also continue to facilitate state efforts to make progress toward attainment goals through mobile source partnership programs that

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				include the DERA Clean Diesel Grant Program and the EPA Ports Initiative.
Mobile Sources	Emissions from mobile sources, both heavy duty and light duty, continue to be a significant contributor to ozone concentrations in ozone nonattainment areas. Since some states are very limited in their ability to address emissions from this sector, EPA needs to include agency commitments to continue to undertake actions to reduce mobile source emissions.	NACAA	Page 11-12 Mobile Source Programs	EPA takes seriously states' interest in making progress toward ozone attainment goals through reduction in emissions from mobile sources. EPA is committed to and working toward proposing new NOx standards for heavy duty trucks through the Cleaner Trucks Initiative, which has already benefitted from direct state input and through organizations including LADCO, AAPCA, and NACAA. EPA will also continue to facilitate state efforts to make progress toward attainment goals through mobile source partnership programs that include the DERA Clean Diesel Grant Program and the EPA Ports Initiative.
Mobile Sources	AAPCA members remain concerned that heavy and light-duty diesel vehicle emission control systems tampering significantly impacts air quality. U.S. EPA OAR should work with air agencies to prioritize curtailing the manufacture and installation of these devices, particularly in areas that do not currently meet the NAAQS for fine particulate matter and ozone.	AAPCA	Page 11 A.8	EPA will continue to work with the Office of Enforcement and Compliance Assurance (OECA) as well as air agencies on these priorities.
Allowance Trading and Other Stationary Source Programs	The draft guidance fails to include how EPA intends to address interstate ozone transport issues beyond continued implementation of the Cross State Air Pollution Rule (CSAPR). EPA's modeling, among others, shows that Sheboygan, Wisconsin will not attain the 2015 ozone NAAQS without significant emissions reductions from upwind states. EPA actions to address this issue need to be specifically added to the NPG.	WDNR	Pages 10-11	The CAA's "good neighbor" policy requires states and EPA to address interstate transport of air pollution that affects downwind states' ability to attain and maintain the NAAQS. EPA is committed to a "SIP-first" approach with states to provide the technical tools and information to facilitate "good neighbor" state plans addressing interstate transport for ozone. In addition, EPA is currently reviewing transport SIPs regarding the 2015 ozone NAAQS. After review, EPA will determine if further action is needed.

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Allowance Trading and other Stationary Source Programs	The draft guidance fails to include how EPA intends to address interstate ozone transport issues beyond continued implementation of the Cross State Air Pollution Rule (CSAPR). EPA's modeling shows that numerous areas will not attain the 2015 ozone NAAQS without significant emissions reductions from upwind states. EPA actions to address this issue need to be specifically added to the guidance.	NACAA	Page 10-11 Allowance Trading and Other Stationary Source Programs	The CAA's "good neighbor" policy requires states and EPA to address interstate transport of air pollution that affects downwind states' ability to attain and maintain the NAAQS. EPA is committed to a "SIP-first" approach with states to provide the technical tools and information to facilitate "good neighbor" state plans addressing interstate transport for ozone. In addition, EPA is currently reviewing transport SIPs regarding the 2015 ozone NAAQS. After review, EPA will determine if further action is needed.
Allowance Trading and Other Stationary Source Programs	N.C. DEQ-DAQ notes that the NPM language "CSAPR requires 27 states in the eastern half of the US..." is incorrect. Rather there are 22 states listed in this rulemaking. Please provide your list of 27 states in the response. https://www.gpo.gov/fdsys/pkg/FR-2016-10-26/pdf/2016-22240.pdf	N.C. DEQ-DAQ	Section A.7 - Allowance Trading and Other Stationary Source Programs	The language in the National Program Guidance refers to the 27 states covered under the final Cross-State Air Pollution Rule (CSAPR) and the CSAPR Update Rule. Of those states, 17 are covered by both rules, five are covered by CSAPR only, and five are covered by the CSAPR Update only. For a map of the states affected by the CSAPR rules, see: https://www.epa.gov/airmarkets/map-states-covered-csapr .
Allowance Trading and Other Stationary Source Programs	N.C. DEQ-DAQ provides technical assistance with regard to monitor certifications, emissions monitoring and non-electronic reporting. Any requirements for electronic reporting to EPA needs to be supported by EPA.	N.C. DEQ-DAQ	Section A.7.1 - number 2	The statement in the National Program Guidance covers both electronic and non-electronic reporting.
Allowance Trading and Other Stationary Source Programs	N.C. DEQ-DAQ requests that this goal be modified to say: "Perform electronic review of monitor audits using ECMPS or CDX for certifications of Part 75 continuous emissions monitoring systems (CEMS). Perform compliance evaluation of periodic emissions and audits reported by sources." Remove the obligation to do Part 75 field audits unless additional funding is provided.	N.C. DEQ-DAQ	Section A.7.1 - number 3	Accurate emission data are essential to ensure sources are complying with the emission limits of CSAPR. EPA has asked affected states to conduct Part 75 field audits, which are intended to assess a monitoring system's performance and a source's compliance with monitoring requirements. EPA is prepared to work with air agencies to adjust priorities, as necessary and appropriate. Also, EPA provides training and makes tools and data available to help states prepare for and conduct

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				field audits.
Allowance Trading and Other Stationary Source Programs	Recommend removal of the language, unless additional funding is provided.	N.C. DEQ-DAQ	Section A.7.1 – number 4	Providing audit and corrective action reports to EPA is an important existing and ongoing state and local agency activity. EPA is prepared to work with air agencies to adjust priorities, as necessary and appropriate.
Tribal Programs	Restore continuation of funding and support for Voluntary and Non-Regulatory Programs such as IAQ, Radon, and Climate Change. This guidance shows no support for important air quality program guidance for voluntary and non-regulatory programs such as radon, indoor air quality, asthma and climate change. Tribes will continue to be adversely impacted by the elimination of grants and programs that provide immediate and long-term support needed to improve the health of Tribal communities. Tribes and Alaskan Native Villages and the United States will continue to be affected by warming temperatures due to climate change.	NTAA	Section II and Section III	Programs proposed for elimination in the President’s FY 2020 Budget are not included in OAR’s National Program Guidance for FY 2020-2021.
Tribal Programs	Furthermore, the NTAA seeks further clarification of the EPA item A.1.1.3.8 and A.1.2.3.9 regarding “clarifying air quality management authority for non-reservation tribal lands.” These statements seem to imply that there are different jurisdictional authorities over Tribal lands. From a state law and jurisdiction perspective, there is no difference between reservation lands and trust lands. The term “non reservation tribal lands” needs to be more specifically defined in this guidance to ensure continued clarity of state versus federal and tribal jurisdiction.	NTAA	A.1.1.3.8 and A.1.2.3.9 Other	EPA recognizes that this language was confusing and has removed both activities.

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Tribal Programs	Restore and increase funding to Tribal Air Programs above FY 2018 levels Tribes are important co-regulators of air quality, working with federal, state, and local agencies to assess, monitor, and manage regional air quality. While Tribal Air Quality Programs have been growing in number, annual federal funding has been reduced. NTAA recognizes FY2020-2021 Guidance is based on the FY 2018-2022 EPA Strategic Plan and the FY 2020 President’s Budget Request, a budget which proposes dramatic cuts to the EPA. As a result, the proposed budget reduces funding to several important air grant and air programs including the Tribal Air Program, EPA, and OAR. While funding for air quality programs has been stagnant for several years, NTAA consistently recommends increasing funding in order for Tribal Air Quality Programs to restore funding for existing established Tribal Air Quality Programs to the highest historical funding levels, provide additional funding for Tribes seeking to establish an air program of their own, and create new funding streams to address IAQ, climate change, and wildfire smoke.	NTAA	General	Please note that Congress ultimately determines the EPA’s funding level through the appropriations process.
Tribal Programs	Under the heading of “Improving Air Quality in Indian Country and Alaska Native Villages” the first sentence of the first paragraph includes a reference to ETEPs that should be deleted, so that the sentence reads “EPA Regions working with tribal and Alaska Native Village air agencies are encouraged to use the work-planning process to provide flexibility and tailor work expectations and resource allocations to meet local circumstances.”	Tribal Co-Chair, Region 9 Regional Tribal Operations Committee (RTOC)	OAR Section II.A.9, page 12	Please refer to the Office of International and Tribal Affairs’ (OITA) response to comments document which includes the agency’s response to this issue.

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	<p>As provided in the 2013 GAP Guidance, ETEPs are intended to inform GAP workplans and to reference in measuring performance under GAP. “Established” ETEPs contain provisions specifically to serve this purpose and were not intended by the Tribes that have approved ETEPs to inform any other aspect of the relationship between Tribes and EPA.</p> <p>If the Agency wants to consider and propose a regulation or policy to more broadly rely on ETEPs to define the relationship between various EPA offices including OW and Tribes, it should do this in an action separate from the NPMG development process, after thorough and meaningful government-to-government consultation as required by EPA’s 2011 Policy on Consultation and Coordination with Indian Tribes.</p>			
Tribal Programs	Restore continuation of funding and support for Voluntary and Non-Regulatory Programs such as IAQ, Radon, and Climate Change. This guidance shows no support for important air quality program guidance for voluntary and non-regulatory programs such as radon, indoor air quality, asthma and climate change. Tribes will continue to be adversely impacted by the elimination of grants and programs that provide immediate and long-term support needed to improve the health of Tribal communities.	Tribal Co-Chair, Region 9 RTOC	Section II and Section III	Programs proposed for elimination in the President’s FY 2020 Budget are not included in OAR’s National Program Guidance for FY 2020-2021.
Tribal Programs - SIP	The draft guidance should specifically incorporate a consultation requirement for states with Tribes as part of the SIP development process.	Tribal Co-Chair, Region 9 RTOC	A.1	EPA agrees that the relationship among tribes, the federal government, and states is important when developing air quality control programs. EPA has been encouraged by the partnering over the last

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				several years specifically between the NTAA and their state counterparts. EPA expects to continue working with the NTAA, as desired and requested, to further facilitate partnerships among state and tribal air quality programs.
Tribes - General	Include funding and support for Wildfire Threats. The United States has seen increases in fire activity, including area burned, number of large fires, and fire-seasons length. Tribes are actively engaged in planning and responding for increasing and interacting risks of catastrophic wildfire and warm drought, leading to ambient and indoor air pollution and emergency management issues. Tribes now need to address periods of degraded air quality, additional carbon emissions, health care issues from smoke exposure, and emergency management due to increased wildfire activity and smoke.	NTAA		EPA is aware of the added stress to air quality from wildfires and recognizes the work tribes are doing to address the issue. EPA will take this important comment under consideration as we develop future budgets.
Homeland Security	The draft guidance talks specifically about expected regional commitments of disseminating information and providing leadership to support the RadNet program but fails mention state support of the required bi-weekly, manual sample installation and collection that is the unfunded basis for the program.	WDNR	Page 16	The guidance includes a new sentence in the introduction of this section on page 16 to address this comment.
Grants – General	U.S. EPA’s acknowledgement of potential changes in budgetary circumstances, including the impact of court decisions, and the willingness to work with air agencies to continue meeting air quality priorities is appreciated by AAPCA members. Flexibility in the planning process due to budget issues allows state and local air agencies to be creative and best utilize funding.	AAPCA	Page 17 Section III. Flexibility and Grant Planning	Thank you for your comment. EPA will work with states using established work-planning processes to provide flexibility and tailor work expectations and resource allocations to meet local circumstances, while ensuring that legal requirements are met.

Issue Area	Comment	Commenter(s)	Location	Response
Grants – General	U.S. EPA OAR indicates under Future Refinements to the Allocation of §105 Grants that “EPA remains interested in moving toward a more up-to-date allocation methodology. OAR will share any proposed refinements to the allocation methodology with interested parties for review and public comment prior to making any changes.” U.S. EPA OAR should engage and inform state and local air agencies early in this review and potential revision of the allocation methodology.	AAPCA	Page 20 B. Allocation of §105 Grants	EPA will actively engage states and local air agencies in any review and potential revision of the allocation methodology that may be undertaken in the future.
Grants – General	ECOS opposes the shifting of PM2.5 state grant funding from the Clean Air Act (CAA) §103 program, which does not require a state funding match, to the CAA §105 program which requires a 40% state match or Maintenance of Effort (MOE). States assume significant administrative implementation costs for many regulatory programs, and these costs are often not clearly or fully reflected in the funding levels outlined by Congressional or Executive budget materials. As a result, states often struggle to meet this 40% or MOE match on top of existing program implementation costs. Thus, the shift of funding to the CAA §105 program, as proposed in recent President’s Budget Requests, would result in an added financial burden on states and decreased flexibility in their regulatory activities.	Environmental Council of States (ECOS)	Page 20 Section III-B: Allocation of §105 grants	The transition of the funding for the PM2.5 monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM2.5 monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for the potential transition of the PM2.5 network.
Grants – General	The draft guidance reflects the presidents requested budget for air grants. A significant decrease in funding to programs has been proposed. If these significant cuts are realized, it will make the core work activities noted in the guidance difficult, if not impossible, to carry out.	WDNR	Pages 17-20	As noted on page 1 of OAR’s National Program Guidance, EPA recognizes that there will not be enough resources to do everything. EPA is prepared to work with air agencies to adjust priorities, as necessary and appropriate.

Issue Area	Comment	Commenter(s)	Location	Response
Grants – General	The draft guidance notes an interest on EPA’s part in implementing a revised methodology for Section 105 funds. Air agencies should be engaged in development, discussions, and review of proposed changes to allocation methodology, as much of what has been presented previously shows some parts of the country losing funding they have been relying on for years.	WDNR	Page 20	EPA will actively engage states and local air agencies in any review and potential revision of the allocation methodology that may be undertaken in the future.
Grants – General	The ability of state and local agencies to meet the EPA’s expectations detailed in Section III-A.1 Continuing Air Program with respect to ambient monitoring is, in part, contingent on funding. Section III. Flexibility and Grant Planning in the OAR NPM Guidance notes that “funding of air monitoring, including a proposed transition in funding authorities for PM2.5 monitoring” is being proposed. More specifically, EPA is proposing to transition the funding authority for PM2.5 monitoring from Clean Air Act section 103 to section 105. The N.C. DEQ opposes the proposal to transition funding for PM2.5 from CAA Section 103 to 105. The PM2.5 monitoring program has been funded under Section 103 and this arrangement has worked very well. There is no legal or scientific basis to propose this change. First, the law clearly provides that the EPA Administrator is authorized to make grants to “conduct...studies relating to the causes [and] ..extent of air pollution.” The CAA Section 103 funding is being used precisely for these purposes. There is nothing in the law that requires a transition. The PM2.5 program has been and continues to be one of the most successful monitoring programs precisely	N.C. DEQ-DAQ	Section III. Flexibility and Grant Planning A.1 Continuing Air Program.	The transition of the funding for the PM2.5 monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM2.5 monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for the potential transition of the PM2.5 network.

Issue Area	Comment	Commenter(s)	Location	Response
	because the EPA has funded the program in this manner.			
Grants - General	<p>The N.C. DEQ-DAQ strongly supports EPA moving toward a more up-to-date Section 105 allocation methodology and data. The N.C. DEQ-DAQ provided supportive comments on the November 21, 2016 proposal and reiterates those thoughts here. We applaud EPA's efforts to develop a methodology that will result in a fair and equitable distribution of the limited Section 105 grant funds. In particular, N.C. DEQ-DAQ agrees with the proposed weighting of the monitoring program as the highest amount. The air agencies expend the most time and resources on the operation of the monitoring networks, and the resulting data provides the basis for much of the rest of the work performed by the air programs.</p> <p>N.C. DEQ-DAQ also agrees with the delineation of 90 percent of the funding to cover the routine, ongoing operations of the air programs and 10 percent to cover the new and emerging activities. This provides a stable funding basis for the programs while recognizing other emerging efforts also need additional funding to help cover the costs of those activities. One element of the "short-term factors" includes the consideration of the implementation of the sulfur dioxide (SO₂) NAAQS. We strongly support a weighting of at least 5.5% for the number of SO₂ sources on the DRR list. As states implement the SO₂ standard, we are getting a better understanding of the significant amount of time and resources needed to address those issues. Considering</p>	N.C. DEQ-DAQ	Section III. Flexibility and Grant Planning. B. Allocation of §105 Grants	Thank you for your comment. EPA will consider this comment as we consider opportunities to utilize a refreshed and refined allocation methodology that meets the needs of state and local air agencies. Also, EPA will actively engage states and local air agencies in any review and potential revision of the allocation methodology that may be undertaken in the future.

Issue Area	Comment	Commenter(s)	Location	Response
	<p>that as a short-term allocation factor is critically important in this cycle.</p> <p>N.C. DEQ-DAQ encourages immediate implementation of the new allocation methodology. However, we understand that EPA considered (in late 2016) a phased implementation approach that would limit regional losses to more than 2.5% from each region’s prior year amount. If this is the approach EPA implements, we suggest consideration of the regional losses experienced over that last decade as well. One way to account for those losses is through a separate air quality focused grant that represents a direct equity adjustment for the unrealized funds.</p>			
Grants – General	<p>EPA appropriately acknowledges that there will not be sufficient resources for all activities and priorities may vary throughout the nation. NACAA supports EPA’s plan to work with state and local air agencies “to adjust resources to meet changing priorities,” to work collaboratively with state and local air agencies to resolve planning issues and to provide flexibility in developing workplans.</p>	NACAA	<p>Page 1 Introduction</p> <p>Page 17 Flexibility and Grant Planning</p>	<p>EPA is committed to working collaboratively with air agencies through the work planning process.</p>
Grants – General	<p>The FY 2020 Administration budget request calls for \$152 million in grants for state and local air quality agencies under Sections 103 and 105, which is a reduction of 33 percent from the FY 2019 level (\$228.2 million). Such cuts would be devastating to state and local air quality programs and detrimental to public health and welfare. NACAA recommends that Section 103/105 grants be increased by \$82 million (to \$310 million), which is equal in</p>	NACAA	<p>Page 17 Grant Assistance to Co- Implementers</p>	<p>As noted on page 1 of OAR’s National Program Guidance, EPA recognizes that there will not be enough resources to do everything. EPA is committed to working collaboratively with air agencies through the work planning process.</p>

Issue Area	Comment	Commenter(s)	Location	Response
	<p>purchasing power to the amount provided 15 years ago when adjusted for inflation (these grants were \$228 million in FY 2004).</p>			
Grants – General	<p>AAPCA members are concerned with U.S. EPA’s proposal to “transition the funding authority for PM2.5 monitoring from section 103 to section 105” in FY 2020. This proposed transition could adversely impact the budgets of some air agencies due to the fact that Clean Air Act (CAA) Section 105 requires a funding match by air agencies, whereas CAA Section 103 does not. This concern is further compounded by the potential lowering of the fine particulate matter NAAQS pursuant to a current review (scheduled to be completed in late-2020), which may initiate additional monitoring requirements.</p>	AAPCA	<p>Page 18 A.1 Continuing Air Program</p> <p>Page 3 Monitoring Appendix</p>	<p>The transition of the funding for the PM2.5 monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM2.5 monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for the potential transition of the PM2.5 network.</p>
Grants – General	<p>Scientifically, transitioning the funding jeopardizes the success of this program and is unsupported. PM2.5 is one of the most important pollutants with respect to public health impacts. As researchers learn more about the impacts of PM2.5, the need to continue to collect more – not less – data, including speciation data, is critical. Ambient monitoring of PM2.5 is evolving and improving as the community moves from gravimetric filters to continuous monitors. These continuous monitors are improving, and new devices are being tested at the federal and state level using 103 grant funding. These continuous monitors provide real-time data that is being used to help EPA and states forecast air quality and allow citizens to make important health decision on a real-time</p>	N.C. DEQ-DAQ	General	<p>The transition of the funding for the PM2.5 monitoring network to Section 105 authority proposed in the FY 2020 President’s Budget is appropriate given the maturity of this network. The PM2.5 monitoring network is more in line with the intent of Section 105 to provide grants “for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards.” EPA understands the challenges posed by the match requirements. While final congressional approval of the budget in recent years has precluded EPA from making the transition, EPA encourages states to continue to plan for the potential transition of the PM2.5 network.</p>

Issue Area	Comment	Commenter(s)	Location	Response
	basis. The transition to 105 funding will also put additional stressors on state budgets as additional match and maintenance-of-effort funding requirements will kick in.			
Grants - DERA	The FY 2020 Administration budget request appropriately calls for funding for the Diesel Emission Reduction Act (DERA) program. This is an important program to address emissions from the large legacy fleet of diesel engines. It is important that DERA not be funded at the expense of the Section 103/105 grants and we strongly urge that any future funding for DERA not be in lieu of increases to state and local air grants. Additionally, since many of the DERA funds are not provided to state and local governments, we recommend that future DERA activities not be funded through the STAG account. Instead, we suggest that the grants be provided through one of EPA's other accounts.	NACAA	Page 17 Grant Assistance to Co-Implementers Page 20 Diesel Emissions Reduction Act Grants	Congress ultimately determines EPA's funding level and appropriation for the DERA grant program.
Grants - Training	The draft acknowledges EPA's responsibility to provide training, however, the financial support the agency offers is insufficient for this important effort. Adequate training is especially critical now due to the large number of retirements and the associated loss of institutional knowledge that federal, state and local air agencies are experiencing. EPA should provide more of its own funding to this effort.	NACAA	Page 19 Continuing Air Programs, Clean Air Act Training	EPA provides support for the air training program through personnel, infrastructure support, and the development of training materials. EPA is committed to devoting sufficient internal resources to support training for air agencies. EPA plans to continue working closely with air agencies to address training needs.
General	State and local air agencies must not only ensure that staff are provided opportunities for continuing education at advancing levels and kept up-to-date on technical air pollution control developments, but plan for the growing percentage of employees able to retire. U.S. EPA's support and leadership through the funding, development, and support of training	AAPCA	Page 19 A.1 Continuing Air Program	EPA provides support for the air training program through personnel, infrastructure support, and the development of training materials. EPA is committed to devoting sufficient internal resources to support training for air agencies. EPA plans to continue working closely with air agencies to address training needs.

Issue Area	Comment	Commenter(s)	Location	Response
	and training materials for air agency personnel is critical to air improvement efforts.			
General	Specific targets that are relayed to us by the regional office are not noted in the measures portions of the guidance (i.e. 10% Title 5 renewal backlog target). Consistent targets and measures across the regions may be appropriate to include in a document like this.	WDNR	General	EPA will work with the Regional Offices in late summer to establish FY 2020 targets.
General	Specific targets that are relayed to state and local agencies by the regional offices are not noted in the measures portions of the guidance (e.g., 10-percent Title 5 renewal backlog target). Consistent targets and measures across the regions may be appropriate to include in such a document.	NACAA	General	EPA will work with the Regional Offices in late summer to establish FY 2020 targets.