List of Requests for Comment in EPA's proposed rule, "Revisions to Ambient Air Monitoring Regulations," 71 *Federal Register* 2710-2808 (January 17, 2006)
[**PDF** refers to page number in Monitoring NPRM file from p. 1 to p. 100]

Proposed Monitoring Requirements for the Proposed Primary National Ambient Air Quality Standard for $PM_{10-2.5}$

PM_{10} Monitoring in Lieu of $PM_{10-2.5}$

- (71 FR 2732, PDF 24) Consideration of whether a State should be allowed to operate an appropriately sited PM_{10} monitor in lieu of a required $PM_{10-2.5}$ monitor in a situation in which the probability of a $PM_{10-2.5}$ NAAQS violation is small. We invite **comment** on this subject, including other possible provisions for more limited use of PM10 monitors in lieu of $PM_{10-2.5}$ monitors, such as limiting the use of PM10 monitors to a period of 3 years after the first approval of a continuous FEM $PM_{10-2.5}$ method.

$PM_{10-2.5}$ Minimum Monitoring Requirements

- (71 FR 2733, PDF 25) We invite **comment** on whether there should be a different minimum size for an MSA required to have monitors, rather than applying the criteria in Table 1 of this preamble to all MSA that contain all or part of an urbanized area with a population of at least 100,000 persons. We also invite **comment** on whether factors in addition to MSA population and estimated design value should enter into the determination of the number of required monitors, for example, MSA or urbanized area(s) population density, and if so, in what way.

- (71 FR 2736, PDF 28) We request **comment** on whether the proposed minimum requirements appropriately address the need for monitoring data in both eastern and western States, whether additional or fewer monitors could be needed, and whether additional monitors in some areas, if needed, should be required by the regulations or deployed through collaborative planning and grant support. A possibility on which we request **comment** is to not adhere to the formal county-based definition of MSA in the West and in some way to require separate monitoring of more urbanized areas that are not distinct MSA and, therefore, would not be separately subject to the minimum monitoring requirements as proposed. For example, some MSA in some western states are divided into distinct nonattainment areas for ozone, reflecting natural barriers to transport between air basins. This division or similar divisions of a large MSA in a western state could perhaps play a role in determining which population centers should require separate monitoring for $PM_{10-2.5}$. We also request **comment** on approaches that would aggregate officially distinct MSAs in eastern States for the purpose of determining the required number of monitors.

$PM_{10-2.5}$ NAAQS-Comparability Suitability Test

- (71 FR 2737, PDF 29) Regarding the above-mentioned issue of enclaves within an urbanized area, we are concerned not to exclude low population density block groups that contain paved roads, construction sites, and/or industrial sources and do not contain significant agricultural or mining sources. The Census incorporates enclaves consisting of block groups with population density below 500 persons per square mile if certain conditions are satisfied. Enclaves of less than five square miles are always incorporated. Even larger enclaves can be included as well. We are concerned that such large enclaves may not be industrial zones or transportation corridors that happen to have little resident population (which could be appropriate for monitoring) but instead could contain agricultural or mining operations (which could make them inappropriate for monitoring). Therefore, we propose that block

group(s) with population densities less than 500 persons per square mile, even if part of an urbanized area, will be considered to pass the second part of the suitability test if those block groups comprise an enclave of less than five square miles in land area. We invite **comment** on this special exception.

- (71 FR 2738, PDF 30) We invite **comment** on possible variations of the proposed test for suitability for comparison to the NAAQS, for example the use of census tracts in place of block groups or different values for population density or total population of a aggregation of block groups or tract groups. Census tracts are defined as combinations of (usually a few) block groups, and would provide a somewhat larger scale of analysis around a candidate monitoring site.

- (71 FR 2739, PDF 31) We invite **comment** on alternative approaches that would examine areas where States may wish to place non-required monitors that do not meet the proposed suitability test, but are locations of industrial emissions or high traffic on paved roads which create the potential for ambient mixes of coarse particles of the type intended to be included by the indicator. In particular, EPA solicits **comment** on a modification of the proposed test that would specify that a site meeting only the third, fourth, and fifth parts of the suitability test could be compared to the NAAQS if it were close enough to an industrial source of coarse particles of a defined high enough emissions level (for example, 100 tons per year or more of emissions) that the ambient mix would be dominated by PM generated by that industrial source.

- (71 FR 2740, PDF 32) We also invite **comment** on the possibility of another, similar modification to the proposed suitability test as that just described for industrial sources, but addressing emissions from vehicle traffic on roadways. Non-required State sites otherwise excluded from comparison to the NAAQS, based on their location outside of a U.S. Census Bureau-defined urbanized area and/or their location in block groups with population density below the proposed threshold, but are population oriented and within some distance of a roadway with a certain traffic volume per day, could be the subject of site-specific analysis to determine if they are in fact suitable for comparison to the NAAQS based on the PM emissions from sources that dominate $PM_{10-2.5}$ concentrations at those sites. Such sites would have to be population-oriented and could not be in the micro-scale environment affected by the roadway. The site-specific assessment would consider the local mix of emission source types and sizes, their relative locations to the potential monitoring site, and local factors affecting transport and deposition of $PM_{10-2.5}$. We seek **comment** on whether such sites would be appropriate for comparison to the NAAQS, and, if so, what levels of VMT must occur and/or other conditions exist before comparison to the NAAQS could be considered.

<u>$PM_{10-2.5}$ Monitoring plan requirements and approval process.</u>

- (71 FR 2741, PDF 33) The EPA Regional Administrator will review the submitted plan and approve or disapprove it by a letter to the submitting State official within 120 days of submittal. The EPA Regional Administrator will be required to invite public comment; he/she must consider relevant public comments, if any are received in response to the invitation. We are not proposing a specific mechanism for the Regional Administrator to make the plan available for public comment, but we invite **comment** now on mechanisms that would be practical for the Regional Administrators and effective for persons likely to want to comment.

- (71 FR 2741, PDF 33) We invite **comment** on this proposed process and possible alternatives or additions to it, for example on whether there should be review by the EPA Administrator before the approval or disapproval is considered a final Agency action, or an opportunity for appeal to the Administrator to alter the final action.

$PM_{10-2.5}$ Speciation Network Requirements

- (71 FR 2740, PDF 32) We will collaborate with States to select and fund additional sites based on data requirements, individual State needs, and availability of funds. The EPA solicits **comment** on all aspects of the $PM_{10-2.5}$ speciation network including the number of required sites, the total size of the network, the criteria for choosing the number of required monitors in each area, the sampling method used to obtain filters, and frequency and types of analyses that would be performed on those filters.

Monitoring Requirements for the Proposed Primary and Secondary National Ambient Air Quality Standards for $PM_{2.5}$

- (71 FR 2741, PDF 33) The proposed amendments would require fewer sites when design values are well above (rather than near) the NAAQS to allow more flexibility in the use of monitoring resources in these areas where States and EPA are already more certain of the severity and extent of the $PM_{2.5}$ problem and possibly in more need of other types of data to address it. For instance, an agency may wish to operate more speciation samplers rather than FRM to get a better understanding of the atmospheric chemistry of an area. We invite **comment**s on this approach, versus requiring more FRM/FEM monitors in areas well above the NAAQS.

Proposed Requirements for Operation of Ozone Monitoring Sites

- (71 FR 2742, PDF 34) Similar to the proposal for $PM_{2.5}$, EPA proposes that areas with measured ambient concentrations significantly above the NAAQS be required to operate fewer sites than areas with measured ambient concentrations near the NAAQS to allow flexibility of resources in those areas. We invite **comment**s on this approach.

Proposed Requirements for Operation of Carbon Monoxide, Sulfur Dioxide, Nitrogen Dioxide, and Lead Monitoring Sites

- (71 FR 2743, PDF 35) We are proposing to revoke all minimum requirements for CO, SO_2, and NO_2, monitoring networks, and reduce the requirements for Pb. This proposal allows for reductions in ambient air monitoring for CO, SO_2, NO_2, and Pb, particularly where measured levels are well below the applicable NAAQS and air quality problems are not expected, except in cases with ongoing regulatory requirements for monitoring such as SIP or permit provisions. In these cases, EPA encourages States to **comment** on ways to reduce these potentially unnecessary monitors.

Proposed Changes to Minimum Requirements for Ozone Precursor Monitoring

- (71 FR 2743, PDF 35) We solicit **comment**s on the proposed revisions to the PAMS monitoring program requirements including the measurements to be made, the sampling frequencies, and the location and numbers of required monitoring sites proposed.

Proposed Criteria and Process for Discontinuing Monitors

- (71 FR 2744, PDF 36) We invite **comment**s on the specific details of these proposed criteria, and on other criteria that would be appropriate.

Public Notice Requirement of Annual Network Monitoring Plan

- (71 FR 2745, PDF 37) In order to help information be available to the State and to EPA that could be relevant to the appropriateness of monitoring network changes, we propose that each State be required to make available for public inspection its draft annual monitoring plan for a period of at least 30 days prior to submitting it to the EPA Regional Office for approval. The State could, for example, satisfy this proposed requirement by making the draft plan available for download via the air agency's Internet Web site. We also propose that when submitting the annual monitoring plan for EPA approval, the State provide evidence that: (1) The State has considered the ability of the proposed network to support air quality characterization for areas with relatively high populations of susceptible individuals (e.g., children with asthma); and (2) if the State proposes to discontinue any monitoring sites, the State has considered how discontinuing monitoring sites would affect data users other than the monitoring agency itself, such as nearby States and tribes or health effects research studies. We invite **comment** on where EPA should provide opportunity to examine and **comment** on monitoring plans after they are reviewed by the Regional Office.

Special Purpose Monitors

- (71 FR 2746, PDF 38) The limited nature of the moratorium would have a disincentive effect on discretionary monitoring relative to a hypothetically more encompassing moratorium. For example, a State could still be discouraged from operating an O_3 or $PM_{2.5}$ monitor beyond 2 years, and thus may miss becoming aware of an actual public health problem. Therefore, we invite **comment** on the Agency's legal interpretation, which has shaped today's proposal for the described limited moratorium, and on what provisions for SPM data we should adopt if EPA was to change the legal interpretation in light of public **comment**s. In particular, we invite **comment**s on an approach in which the first 3 years of data from any SPM would be permanently protected from use in nonattainment determinations regardless of whether it operates beyond 3 years, but any monitor showing a violation in the first 3 years would be required to continue operation unless its discontinuation is approved as part of EPA's review of the State's annual monitoring plan. This approach would result in the State having some time to address the NAAQS violation before three usable years of data became available to make an official nonattainment/attainment determination from the fourth through sixth year of operation.

- (71 FR 2746, PDF 38) Accordingly, EPA proposes to amend 40 CFR part 58 to require that all FRM, FEM, and ARM monitors operated by States (or delegated local agencies) comply with the quality system requirement in 40 CFR part 58 relevant to the monitor type(s) being used. We propose that this requirement take effect 2 years after the date of publication of the final rule, to provide States time to prepare to meet the requirement and to choose transition dates that fit with other network plans. We also invite **comment** on the alternative of using grant agreements to attempt to achieve quality system objectives for SPM instead of including a specific requirement in the proposed amendments.

Flexibility and Resources for Non-Required Monitoring

- (71 FR 2747, PDF 39) [Rural $PM_{10-2.5}$ mass concentration sites] We may work with selected States to establish such rural sites, taking into account existing siting opportunities such as the CASTNET and IMPROVE networks, and we solicit **comment** on the need for and siting strategy for such rural monitors.

Proposed Requirements for Network Assessments

- (71 FR 2748, PDF 40) The EPA anticipates developing non-binding guidance on how to conduct these proposed network assessments. We solicit **comment** on the proposed requirements and schedule for network assessments.

What Are the Proposed Probe and Monitoring Path Siting Criteria?

- (71 FR 2748, PDF 40) The EPA acknowledges the logistical complexity of having different vertical placement requirements for middle-scale $PM_{10-2.5}$ and $PM_{2.5}$ sites, and solicits **comment** on all aspects of $PM_{10-2.5}$ probe siting criteria.

- (71 FR 2748, PDF 40) Based upon concern about the scavenging effects of motor vehicle emissions on ozone, EPA proposes to increase the minimum distances between ozone monitors and roadways in certain cases. Recent field studies have shown significant effects of roadway emissions at the distances currently listed in 40 CFR part 58, appendix E. Summary information on this work is included in the docket for this proposal. The EPA solicits **comment**s on these proposed minimum distance requirements.

What Are the Proposed Data Reporting, Data Certification, and Sample Retention Requirements?

- (71 FR 2749, PDF 41) [$PM_{2.5}$ field blank reporting] Having the data from these field blanks available to the national monitoring community would help EPA and other researchers better understand the relationship between the mass of PM that is sampled and weighed on a regular PM filter and the PM that is actually present in ambient air. The EPA solicits **comment** on this additional $PM_{2.5}$ reporting requirement.

- (71 FR 2749, PDF 41) EPA proposes to speed up official certification of air quality data by moving the annual data certification date from July 1 to May 1 of each year. We believe it can be met through more expeditious administrative clearance processes with State/local agencies and will not require significant changes in monitoring practices or equipment. The EPA solicits **comment**s on this proposed change to the certification schedule. The EPA solicits **comment**s identifying possible barriers to meeting the proposed certification date and information on how agencies that presently certify their data ahead of the current schedule accomplish this.

- (71 FR 2749, PDF 41) [Particulate Matter Filter Archive] Therefore, we propose to require archiving $PM_{2.5}$, $PM_{10-2.5}$, and PM_{10C} filters for one year (the current requirement is only for $PM_{2.5}$ filters). The EPA solicits **comment** on this proposed requirement, specifically from those agencies or scientists interested in using these filters.

Statutory and Executive Order Reviews

- (71 FR 2750, PDF 42) [B. Paperwork Reduction Act] The information collection requirements in the proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. The Information Collection Request (ICR) documents prepared by EPA have been assigned EPA ICR No. 0559.09 (2080– 0005) for 40 CFR part 53 and 0940.19 (2060–0084) for 40 CFR part 58. The provisions in 40 CFR parts 53 and 58 have been previously approved by OMB under control numbers 2080–0005 (EPA ICR number 0559.07) and 2060–0084 (EPA ICR number 0940.17), respectively. To **comment** on the Agency's need for the information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for the proposed amendments, which includes the ICR for 40 CFR part 58,

under Docket ID number EPA–HQ–OAR– 2004–0018. Submit any **comment**s related to the ICR for the proposed amendments to 40 CFR part 58 to EPA and OMB.

- (71 FR 2750, PDF 42) [C: Regulatory Flexibility Act] The proposed requirements in 40 CFR part 53 for applications for designation of equivalent methods do not address small entities. The requirement to apply is voluntary and, the criteria for approval are the minimum necessary to ensure that alternative methods meet the same technical standards as the proposed federal method. The proposed amendments to 40 CFR part 58 would reduce annual ambient air monitoring costs for State and local agencies by approximately $8.5 million and 40,000 labor hours from present levels. State assistance grant funding provided by the federal government can be used to defray the costs of new or upgraded monitors for the NCore and $PM_{10-2.5}$ networks. We continue to be interested in the potential impacts of the proposed amendments on small entities and welcome **comment**s on issues related to such impacts.

- (71 FR 2751, PDF 43) [E: Federalism] Executive Order 13132 (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicits **comment**s on the proposed rule from State and local officials.

- (71 FR 2751, PDF 43) [F: Consultation and Coordination With Indian Tribal Governments] Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This proposed rule does not have tribal implications, as specified in Executive Order 13175. The proposed amendments would not directly apply to Tribal governments. However, a tribal government may elect to conduct ambient air monitoring and report the data to AQS. EPA specifically solicits additional **comment** on the proposed amendments from tribal officials.

- (71 FR 2752, PDF 44) [I. National Technology Transfer Advancement Act] In the preamble to the proposed NAAQS revisions published elsewhere in this Federal Register, EPA requests **comment**s on selection of an alternative filter-based dichotomous sampler as the Federal reference method for $PM_{10-2.5}$. Procedures are included in the proposed monitoring amendments that would allow for approval of a candidate equivalent method for $PM_{10-2.5}$ that is similar to the proposed Federal reference method or to the alternative method proposed for **comment**. Any method that meets the performance criteria for a candidate equivalent method could be approved for use as a Federal reference or equivalent method. This approach is consistent with the Agency's Performance-Based Measurement System (PBMS). The PBMS approach is intended to be more flexible and cost effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. EPA is not precluding the use of any method, whether it constitutes a voluntary consensus

standard or not, as long as it meets the specified performance criteria. EPA welcomes **comment**s on this aspect of the proposed amendments and, specifically invites the public to identify potentially applicable voluntary consensus standards and to explain why such standards should be used in the regulation.