

Response to Comments for EPA ICR Number 0107.12, OMB Control Number 2060-0096: Stationary Source Compliance and Enforcement Information Reporting (Renewal)

EPA published a Federal Register Notice (FRN), on June 7, 2018, to propose the renewal of its Information Collection Request pertaining to the reporting of Clean Air Act stationary source compliance and enforcement information from delegated agencies into EPA's Integrated Compliance Information System Air module (ICIS-Air). In the FRN, EPA proposed no changes to the reporting requirements agreed to in the previous triennial ICR renewal cycle.

Summary of Comments Received on Violation Report Options

In the June 2018 FRN, EPA sought comment from delegated agencies and the public on possible changes to violation reporting based on a series of discussions between several States and EPA related to how compliance history is displayed within EPA's Enforcement and Compliance History Online (ECHO) website. These changes were discussed in a joint February 2018 ECOS-EPA paper that was included in the FRN docket.

EPA received five responses related to its request for comment on possible changes to violation reporting. Three state agencies, one local agency, and one state consortium commented. All five supported the status quo default display of federally reportable violations based on determination date, and none expressed support for adding additional Minimum Data Requirements related to violation dates. The consortium expressed support for all of the other violation display changes proposed in the ECOS-EPA paper. One state and the consortium also expressed support for the paper's proposal to offer two options for the voluntary display of additional dates related to reported violations.

EPA Response to Violation Reporting Comments

As EPA received no comments recommending that these additional dates be added to the current reporting requirements, EPA plans to move forward with the State-EPA proposal to offer state/local agencies the option to choose to explicitly opt-in to one of the two voluntary display options. EPA will develop language to explain to ECHO users, in plain English, any differences in how violations are displayed in ECHO. That language will be crafted with input from ECOS and State agency representatives.

Comment Received Regarding Timely Reporting of Stack/Performance Tests

A [state] commenter asserted that the EPA requirement for the timeliness of reporting the results of stack tests or performance tests (within 120 days of the conclusion of the test) continues to be burdensome and unrealistic. The commenter noted that the volume of stack tests conducted as a result of SIPs, NSPS, and NESHAP continues to increase. Federal regulations allow sources 60 days to submit test reports from completion of a test. In these situations, delegated agency only have the remaining 60 days to review,

quality assure, and report the test results to ICIS-Air. The ability to review, quality assure, and report accurate test results in a timely manner is not practicable given the competing priorities and limited resources of delegated agencies. The commenter further argued that reporting test results without sufficient State review or quality assuring the tests can result in inaccurate reporting or the need to revise previous results, and asserted that delegated agencies need sufficient time after stack test results are received to review, quality assure, and report accurate test results.

EPA Response to Comment on Timely Stack/Performance Test Reporting

The EPA recognizes the need for delegated agencies to have sufficient time to review stack test reports and accurately report the test results to ICIS-Air. The Agency previously revised the reporting requirements to extend the timeframe for reporting the date and results of stack/performance tests. Since EPA regulations give sources 60 days from the conclusion of a test to submit the results to their delegated agency, reporting agencies have at least an additional 60 days to review the test results. Reporting agencies have 120 days (four months) to report both the stack test date and results.

EPA believes this extended reporting period strikes a reasonable balance in providing sufficient time to review/report test results while accounting for the importance of public access to data, transparency, and the need to timely bring about compliance if the test results identify issues of concern. A review of the data reported into ICIS-Air indicates that the timely reporting of the stack/performance test date and results continues to improve and delegated agencies are largely reporting within the 120 day timeframe.

Comment Received on Reporting on Part 61 NESHAP Minor Facilities

A state commented during the previous ICR renewal cycle that Part 61 NESHAP Minor facilities should exclude 40 CFR 61.145 asbestos demolition and renovation activities. The state said that the sources are far too numerous, that EPA spends very few resources on compliance and enforcement of these sources, and also that EPA spends little time reviewing States compliance and enforcement activities associated with asbestos demolition and renovation activities. Further, the state said that EPA should not include Part 61 NESHAP Minor facilities subject to 40 CFR 61.145 asbestos demolition and renovation activities as a Minimum Data Requirement (MDR) under this ICR. EPA had responded during the previous ICR renewal that it would consider excluding sources only subject to Subpart M from reporting, and that if EPA determined these sources can be excluded, EPA would issue a memo to effect this change. The state commenter asserted that it is not aware that EPA ever considered excluding these sources, nor is the state aware that EPA ever issued a memo to effect the change. The state therefore asked EPA to reconsider excluding 40 CFR 61.145 asbestos demolition and renovation activities from the ICR.

EPA Response to Comment on Reporting of Part 61 NESHAP Minors

Given the potential significant impact to public health from non-compliance with the Asbestos NESHAP, retaining sufficient expertise and having access to a minimum level of data is essential to effectively addressing important issues related to asbestos demolition and renovation. Asbestos is a significant threat to human health. It may increase the risk of lung cancer, mesothelioma, and asbestosis. The health hazards of asbestos fibers and the resulting increased risk of disease is well documented in workers exposed in a variety of occupations. In addition to occupational exposures, people may be exposed to asbestos in their communities or their homes.

Therefore, to have effective communication and to maintain a collaborative partnership when conducting asbestos activities within resource constraints, it is necessary for EPA and the reporting agencies to maintain a transparent sharing of information and data exchange. EPA will not, at this time, revisit the federally reportable universe as the currently included sources, particularly Asbestos NESHAP minor sources, can have a significant impact on the environment and public health. However, to address the reporting associated with the Asbestos NESHAP and to determine how best to handle data being collected, EPA is working to reduce the reporting burden. For example, 40 CFR 61.145 requires notice of demolition and renovation. EPA is currently developing less burdensome electronic reporting software for states to use to report such notices.