

**New England States  
EPA Response to Comments on the Draft FY 2010 NPM Guidance Documents**

**Enclosure 1**

Comment from regions, state, tribe, or other stakeholder	Commenter (s)	Location in Draft Guidance	NPM Response ** Letter from Administrator Lisa Jackson issued on April 2, 2009	Action Taken in Final Guidance
<b>Issue Area:</b>				
<b>AIR, CLIMATE AND ENERGY</b>				
We urge EPA to fully embrace its role in addressing the interstate transport of pollutants that frustrate our region's efforts to attain and maintain the ozone and PM NAAQS, minimize haze, and reduce mercury in our waters. A top priority for EPA should be to revise the CAIR rule and take other action as needed to fully address interstate transport in a manner consistent with Section 110(a)(2)(D) of the CAA.	New England Commissioners, NESCAUM, NACAA	Technical Guidance, Exec. Summary, Priorities for Regional Offices	EPA recognizes that power plant emissions in some states are significantly contributing to fine particle and ozone pollution in other downwind states and affecting the ability of downwind areas to attain the NAAQS and achieve regional haze goals. In March 2005, EPA issued the Clean Air Interstate Rule (CAIR), but CAIR was vacated by the U.S. Court of Appeals in July 2008. On rehearing in December 2008 however, the Court remanded the rules to EPA without vacating them. This ruling leaves CAIR and the CAIR FIPs -- including the CAIR trading programs -- in place until EPA issues a new rule to replace CAIR. EPA is currently working on a new rule to replace CAIR and help areas satisfy their requirements under CAA section 110(a)(2)(D).	No modification required
Partnership on <b>Greenhouse Gas</b> program development: We ask EPA to work closely with the states in the development and implementation of any federally-mandated economy-wide GHG reduction program.	<i>New England Commissioners</i>	<i>OAR: Climate Change, pp.43-45.</i>	Agree. Per the Administrator's April 2 letter to Commissioner Burack, EPA will be coordinating with the states as we work on economy-wide Green House Gas (GHG) programs.	No modification required

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Promote federal collaboration with The Climate Registry (TCR): We believe it is important that EPA collaborate with TCR in developing any federal mandatory <b>greenhouse gas reporting system</b> to ensure consistency with TCR protocols and complementary state and federal roles.	<i>New England Commissioners</i>	<i>OAR: GHG Reporting Rule, p. 43.</i>	Agree. Per the Administrator’s April 2 letter to Commissioner Burack, EPA will work closely with the states on the rollout of the GHG reporting rule.	No modification required.
Support the <b>nexus among climate change, air quality, transportation and energy</b> : We seek collaboration with EPA to move beyond traditional program and agency silos in order to implement complementary climate change, transportation and energy strategies that improve air quality and increase energy efficiency and use of renewables.	<i>New England Commissioners</i>	<i>OAR: Federal Support for Air Quality Management, p. 13; State &amp; Local Air Quality Management, p.23, p. 26</i>	EPA welcomes the opportunity to collaborate and engage in additional dialogue in these areas. In addition, EPA is piloting a new way to approach air quality management planning with three geographic areas that encourages comprehensive, multi-pollutant planning.	See the change proposed for the 2 <sup>nd</sup> paragraph on p 14.
<b>AIR POLLUTION</b> , including Interstate Transport: We urge EPA to fully embrace its role in addressing the interstate transport of pollutants that frustrate our region’s efforts to attain and maintain the ozone and PM NAAQS, minimize haze, and reduce mercury in our waters.	<i>New England Commissioners</i>	<i>OAR: Priorities for Regional Offices, p.3</i>	Agree. Per the Administrator’s April 2 letter to Commissioner Burack, EPA does fully embrace its role in addressing interstate transport of pollutants. See item III on Air Pollution, including Interstate Air Pollution.	No modification required.
Establish <b>MACT standards to control mercury</b> from existing & new coal-fired power plants under	<i>New England Commissioners</i>	<i>OAR: Federal Stationary</i>	Utility MACT (formerly CAMR) is underway and we are currently under litigation for deadline dates. Per the	No modification required.

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§112 of the CAA, in accordance with our 2008 petition under §319 (g) of the CWA.		<i>Source Regulations, p.10</i>	Administrator's April 2 letter to Commissioner Burack, EPA is now working to develop a MACT standard for coal-fired power plants.	
<b>Revise CAIR rule</b> and take other action as needed to fully address interstate transport of ozone precursors and PM to ensure that every state meets its obligations CAA §110 (a)(2)(D).	<i>New England Commissioners</i>	<i>OAR: CAIR, pp.7-9</i>	In response to the court's recent remand of the CAIR, we are updating our technical knowledge of pollution transport, and further evaluating how the CAIR helps areas satisfy their requirements under CAA section 110(a)(2)(D).	No Modification required
Renew EPA's commitment to promote collaborative air quality planning & multi-pollutant solutions to address <b>regional haze</b> and other challenges.	<i>New England Commissioners</i>	<i>OAR: Federal Support for Air Quality Management, pp.13-16; 24-26.</i>	Per the Administrator's April 2 letter to Commissioner Burack, EPA places a high priority on addressing regional haze. See Item III on Air Pollution, including Interstate Air Pollution.	No Modification required
<b>WATER QUALITY,</b> (Including Sustainable Water and Wastewater Infrastructure)				
Increase <b>flexibility in funding through SRF</b> , CWA § 108 and other sources. This will promote more efficient implementation of important programs such as TMDL assessments and energy improvements at wastewater and drinking water treatment plants.	<i>New England Commissioners</i>	<i>OW : Support Sustainable Infrastructure, p. 33 ; Key national strategies, p.19</i>	Funding issues are beyond the scope of this document.	
Actively support <b>community action on stormwater challenges</b>	<i>New England Commissioners</i>	<i>OW</i>	EPA acknowledges more financial support is critical for states and	

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<p><b>and nutrient loading.</b> States need more financial support for communities that are dealing with major water quality challenges associated with stormwater and nutrient loading.</p>			<p>communities to better address the water quality challenges posed by stormwater and nutrients. The Agency is constantly evaluating current programs and identifying opportunities for streamlining or areas where funds can be shifted to better target issues most in need of resources. However, funding is outside of the scope of this document</p>	
<b>WASTE MANAGEMENT &amp; SITE CLEANUP</b>				
<p><b>Continue Brownfields Funding:</b> We look forward to continued strong support from EPA, and see Brownfields projects as having excellent potential under the federal economic stimulus package.</p>	<p><i>New England Commissioners</i></p>	<p><i>OSWER: Brownfields Cleanup &amp; Land Revitalization Program , p. 21</i></p>	<p>EPA looks forward to working with the New England Commissioners to help assess and cleanup Brownfield sites.</p>	<p>No change to document.</p>
<p><b>Recycling &amp; Materials Management:</b> We seek federal support and incentives to enhance regional recycling and processing capacity. EPA can be particularly helpful in setting standards, providing guidance, and identifying particular waste-to-recycling streams.</p>	<p><i>New England Commissioners</i></p>	<p><i>OSWER: RCRA Waste Management Programs, p. 24</i></p>	<p>OSWER is currently working with American National Standards Institute National Accreditation Board (ANAB) to establish a certification program for responsible recycling (R2) best management practices (bmp). R2 BMPs were developed in October 2008. Guidance and other information on a broad range of recycling topics, including waste streams appropriate for recycling can be accessed from our homepage: <a href="http://www.epa.gov/epawaste/index.htm">www.epa.gov/epawaste/index.htm</a> We will continue to work with the EPA regional offices and states as we further implement the Resource Conservation</p>	<p>No change to document.</p>

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<p><b>EMERGING CONTAMINANTS:</b> We ask EPA to increase leadership and support on priority emerging contaminants, including pollution prevention approaches, increased monitoring, and scientific research regarding the toxicity of materials in products such as : (1) pharmaceuticals and personal care products; (2) endocrine disruptors; and (3) manufactured nanoparticles.</p>	<p><i>New England Commissioners</i></p>	<p><i>OPPTS guidance</i></p>	<p>Challenge. EPA has a number of activities underway that are addressing or will address these issues; however some of these chemicals (e.g., pharmaceuticals) do not fall under the authority of the Toxic Substances Control Act (TSCA) or OPPT. EPA will move rapidly and aggressively to reduce chemical risks, deploying the full arsenal of TSCA regulatory authorities to reduce risks posed by the highest priority chemicals, while simultaneously accelerating the Agency’s pace in eliminating the void in our understanding of the safety of the thousands of chemicals used in American commerce – more than tripling the 170 safety assessments done in FY 2008 to complete 555 in FY 2010 (280 in FY 2009).</p>	<p>None.</p>
<p><b>OTHER COMMENTS</b></p>				
<p><b>Funding:</b> We have significant budget shortfalls as a result of lower-than-expected state revenue, on top of ever-increasing federal requirements and initiatives without the requisite increases in funding to support growing state implementation costs. We look forward to a restoration of funding lost over the last decade, and we ask that any future reductions in EPA’s budget be equitable shared</p>	<p><i>New England Commissioners</i></p>		<p>Per the Administrator’s April 2 letter to Commissioner Burack, President Obama has submitted a proposed U.S. Environmental Protection Agency budget of \$10.5 billion – the largest proposed funding in EPA’s 39-year history. The budget reflects critical and responsible investments in protecting health and the environment. In addition, the newly enacted American Recovery and Reinvestment Act of 2009 (the stimulus bill) provides funding for Superfund, the</p>	<p>N/A</p>

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with the states.			Leaking Underground Storage Tank program, the Clean Water and Drinking Water State Revolving Funds, Brownfields, and diesel emission reductions. These investments will help us address many of the priorities you have highlighted.	
<b>Environmental Stewardship:</b> We are committed to a balanced response to climate change adaptation, sustainable development, and the need to protect natural resources. This requires a regional approach to planning that transcends our traditional and siloed regulatory focus. We invite EPA’s involvement in shared efforts to address the protection of New England’s ecosystems and human environment in anticipation of economic and population growth in the region.	<i>New England Commissioners</i>		<b>OPPTS:</b> The Agency generally supports New England’s regional planning efforts and recognizes the need for an integrated climate change plan that transcends traditional regulatory “stovepipes.” OPPTS is working closely with other NPMs to support and collaborate on climate change issues. In addition, OPPTS will continue to work with the Regions and States, many of which already have work underway to address climate change. OPPTS’ approach on climate change and promoting sustainability will be reflected in its Pollution Prevention Strategy, which covers many programs that enhance sustainability, green products and green manufacturing processes.	None.
<b>Innovation &amp; Streamlining:</b> We ask that EPA partner with the New England states to assist with facilitation, funding, training, guidance and related assistance to advance the use of innovative strategies, including LEAN, Kaizen, and other continuous	<i>New England Commissioners</i>		Per the Administrator’s April 2 letter to Commissioner Burack, EPA will look for opportunities to work in partnership with the New England states to advance the use of innovative strategies for continuous improvement. With funding from EPA’s National Center for Environmental Innovation, EPA Region I this year is	N/A

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improvement techniques and approaches.			supporting the New Hampshire Department of Environmental Services in its effort to apply for LEAN techniques to streamline its permitting processes as part of a larger innovation project intended to encourage the private sector to adopt environmentally sound land development practices. EPA is also funding several LEAN pilot projects that focus on energy efficiency in both Massachusetts and Maine.	
<p><b>Motivating Individual Behavior Change:</b> The States and EPA need to find ways to motivate individual behavior changes. We welcome EPA’s support in building capacity for these techniques, such as the Administration’s support from the FCC for affordable public service message pricing.</p>	<i>New England Commissioners</i>		Per the Administrator’s April 2 letter to Commissioner Burack, EPA believes that motivating individual behavior change is an important aspect of protecting the environment. The Agency agrees that it would be worth exploring what approaches, such as tool kits, voluntary programs, and outreach efforts, might motivate individual behavior changes necessary to contribute effective solution to some of today’s most pressing environmental problems.	N/A