

FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
Issue Area: General				
<p>The NTAA approves generally of the Guidance. Further, the NTAA strongly commends EPA’s inclusion of a Tribal Programs section in the Guidance, which, to us, shows that EPA recognizes the importance of Tribal air programs and the unique status Tribes share with EPA and the states as co-regulators of air quality.</p>	<p>Bill Thompson, Chairman, NTAA, On Behalf of the NTAA Executive Committee</p>	<p>All</p>	<p>Thank you for your comment.</p>	<p>No change</p>
<p>NACAA is pleased with the new structure of the draft overview and guidance. We commend EPA for moving to a two-year document, which allows for greater long-range planning. We commend EPA for acknowledging that the guidance is merely the basis for negotiations among EPA and state and local air agencies. Since state and local air agencies have a great deal of expertise, we believe EPA should engage them as co-regulators in consistent and meaningful ways, especially early on, when the agency initiates the development of rules, guidance and other policies and processes.</p> <p>NACAA is also pleased that EPA acknowledges that there will not be sufficient resources for all activities and that priorities may vary throughout the nation. We support EPA’s plan to allow regions to tailor work expectations and resource allocations to meet local circumstances, and work with air agencies to do likewise.</p> <p>We recommend that the guidance state that identification of priorities within a region should be done collaboratively among federal, state and local air officials. Additionally, we welcome EPA’s recognition that circumstances may change during the course of a year and that the agency should work with air agencies to make adjustments to address changing priorities.</p>	<p>National Association of Clean Air Agencies (NACAA)</p>	<p>OAR Page 3-4 (Overview)</p>	<p>Thank you for your comment. We hope that the two year guidances are useful to state, local, and tribal air agencies. Additionally, we agree that it is important to include an affirmation in the guidance that identification of priorities within a region should be done collaboratively. OAR added the following language: “regions will work collaboratively with state and local air agencies to prioritize activities and agree on the level of effort for each.”</p>	<p>Change made</p>
<p>The draft NPM guidance states that NACAA is comprised of representatives from over 40 member air pollution control</p>	<p>National Association of</p>	<p>OAR App. B</p>	<p>Adjustment made to reflect NACAA membership in FY 2015 to include 41</p>	<p>Change made</p>

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agencies. In fact, NACAA’s membership includes 41 states, the District of Columbia, four territories and 116 metropolitan areas.	Clean Air Agencies (NACAA)	Page 5 (MJOs)	states, the District of Columbia, four territories and 116 metropolitan areas.	
Issue Area: E-Enterprise				
ECOS urges EPA to include in all final NPM Guidance documents clear reference to the E-Enterprise for the Environment joint governance initiative between states and EPA. Specifically, ECOS requests each NPM include language generally defining EEnterprise; language regarding how E-Enterprise concepts are being incorporated into each NPM’s work; language explicitly recognizing that states need flexibility to adjust their work commitments and required outputs to be able to devote time to continuous process improvement efforts, including joint efforts with other states, tribes and EPA in support of E-Enterprise aligned activities; and language discussing that states may use categorical grant dollars to advance E-Enterprise aligned projects. ECOS also asks each NPM to provide examples in its final Guidance of specific EEnterprise aligned work it is undertaking and examples of projects that states may similarly be undertaking. This may include efforts such as shared services development or implementation, LEAN and streamlining initiatives, e-permitting, EEnterprise scoping team participation, development of E-Enterprise architecture and identity management, portal development, and other activities.	ECOS	OAR, OW, OSWER, OECA, OCSPP, OEI, NEPPS Guidances	OAR recognizes the importance of the E-Enterprise for the Environment Joint Governance Initiative between states and EPA. To that end, we have added descriptive narrative to our introduction highlighting the importance of E-Enterprise. Additionally we have added Appendix F to the Guidance highlighting key efforts in FY 2015.	Change made
Issue Area: National Ambient Air Quality Standards – Guidance/Rulemaking				
Under HQ Activities (Guidance/Rulemaking), NACAA is pleased that EPA includes, “In consultation with air agencies, develop any rulemaking(s) and additional guidance for implementing any potentially revised ozone NAAQS.” We believe such consultation is imperative and encourage EPA to commit to initiating it at the outset of the rulemaking (or guidance) development process. Further, we note that NACAA has commented to EPA, in comments on the proposed ozone	National Association of Clean Air Agencies (NACAA)	OAR Page 5 (National Ambient Air Quality Standards)	OAR plans to work with regulatory partners in developing any necessary rules or guidance; however, EPA cannot commit to the timing requested. Our NPM Guidance commits to promulgating an implementation rule no later than 2 years after a NAAQS is revised.	No change

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<p>NAAQS, that any final ozone NAAQS revision be accompanied by the proposed implementation rule (i.e., in October 2015 – the court-ordered deadline for final EPA action on the ozone NAAQS review) and that the final implementation rule be promulgated no later than one year after that.</p>				
<p>Issue Area: National Ambient Air Quality Standards - NACAA-ECOS-EPA SIP Reform Workgroup</p>				
<p>Under HQ Activities (Other), NACAA commends EPA for including continuing efforts to implement the January 2014 NACAA-ECOS-EPA SIP Reform Workgroup Commitments and Best Practices for Addressing the SIP Backlog. This process envisions EPA clearing the existing SIP backlog (as of October 1, 2013) by no later than the end of 2017, and managing the review of all other SIPs consistent with Clean Air Act deadlines.</p>	<p>National Association of Clean Air Agencies (NACAA)</p>	<p>OAR Page 6 (National Ambient Air Quality Standards)</p>	<p>Thank you for your comment.</p>	<p>No change</p>
<p>Issue Area: National Ambient Air Quality Standards - Ambient Air Monitoring</p>				
<p>NACAA recommends that EPA continue to work with state and local agencies to prioritize new monitoring equipment purchases and implementation over the next several years, and ensure that expectations for new monitoring are consistent with the funding available to support that monitoring both in amount and in timing. We recommend that EPA continue to work with the NACAA Joint Monitoring Steering Committee in determining the best use of scarce resources.</p> <p>That would include identifying opportunities for divestment of existing monitoring activities and providing realistic estimates of the associated cost savings. While EPA addresses monitoring changes and equipment replacement in the draft guidance, divestment opportunities are limited. When recommending decreases in monitoring in the past, state and local agencies have experienced resistance from EPA and the public.</p> <p>Additionally, it is difficult for many state and local agencies to not only replace equipment but maintain existing equipment. EPA must allow state and local agencies flexibility in making necessary network changes. However, it is important to note</p>	<p>National Association of Clean Air Agencies (NACAA)</p>	<p>OAR Pages 12 and 16 (Ambient Monitoring)</p>	<p>EPA will continue to work with NACAA and the state and local air monitoring agencies on the implementation of new monitoring requirements and on divestment opportunities for existing monitoring requirements. We encourage the use of the network assessment and annual monitoring network plan processes to make the public aware of proposed changes in networks including the potential discontinuation of low value sites consistent with EPA regulations and regional office oversight.</p>	<p>No change</p>

**FY 2016-2017 OAR NPM GUIDANCE
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that this flexibility, while necessary, is not a substitute for adequate federal funding.				
Issue Area: National Ambient Air Quality Standards - Implementation Guidance				
There is a long history of guidance not being received until after due dates for submittal of plans, or being received long after the planning process has begun. While we understand that there are some legitimate obstacles to releasing guidance with a new standard or regulation, we support the general consensus of the states across the country that guidance should be proposed within one year of issuance of a NAAQS and should be finalized concurrent with, or prior to, finalization of nonattainment area designations.	Metro 4/ SESARM ¹	2.1.2.1 Guidance/ Rulemaking ¶2	Thank you for your comment. EPA continues to work hard to ensure timely issuance of implementation guidance.	No change
Issue Area: Interstate Transport				
We appreciate EPA's consultation with states regarding interstate transport and encourage the dialogue to continue. As strategies are developed, it is imperative that EPA consider existing efforts of EGUs to control their emissions, near-term plans to change operations, the cost of potential mandates, and the environmental benefits of emission reduction requirements.	Metro 4/ SESARM	2.1.2.1 Guidance/ Rulemaking ¶3	EPA agrees that continued dialogue is important; any rule/action will be subject to notice and comment.	No change
Issue Area: Regional Haze				
We have provided to EPA a tentative timeline for the next regional haze planning period. We appreciate the fact that EPA is considering modifications to the regional haze regulations and support an extension of the SIP submittal deadline. Irrespective of a possible extension of the due date, there is a critical need for timely guidance to the states. It will be necessary for us to begin work on the next phase of our regional analysis in 2016. Guidance that is not in our hands by the end of 2015 or early 2016 will not be useful in our work because we will have already developed binding contracts and work plans based on what we know at the time the agreements are executed.	Metro 4/ SESARM	2.2.2 HQ Activities ¶3	EPA appreciates the input on the urgency of this guidance and we are moving forward as quickly as possible.	No change

¹ These comments do not necessarily represent the positions of every Metro 4 and SESARM member agency.

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Issue Area: Air Toxics Implementation and CAA Compliance Assurance and Enforcement				
<p>A critical need for state and local agencies is for assistance from EPA when working with sources on interpreting NSPS and NESHAP rule language. This can be for determining applicability in situations not considered when the rule was developed or how to apply requirements that do not “fit” a specific circumstance, again typically in situations not considered in rule development. This need lives on for years after a rule is promulgated, and sometimes dredges up regulatory background documents that are decades old. While this does not happen frequently, we have seen it come up a few times a year and have had a great deal of difficulty getting assistance from EPA – especially when OAR points us to OECA who points us back to OAR. The source is just trying work with us to figure out, in good faith, what they are supposed to do – and not only do they not get clear answers but they risk enforcement on something that was never clear and that they were unaware was a problem. Every day that is delayed in getting them answers worsens their compliance situation. Nowhere in the NPM is this kind of support mentioned, which indicates that it is not a priority and likely will not get resources from EPA. It is also critical that OAR and OECA cooperate effectively in dealing with these kinds of questions, because the answers require the input of both entities. We feel strongly that this support needs to be specifically mentioned in the NPM for both OAR and OECA.</p>	Wyoming Air Quality Division	OAR: p. 4-9, 14-16 OECA: p. 25-26	<p>Thank you for your comment. OAR commits to provide assistance on regulatory interpretations and applicability issues upon request from regions, states, and local agencies. OAR added language as follows to the introduction of the NPM Guidance: OAR coordinates with the EPA program offices, regions, states, and local agencies and engages in consultation and coordination with tribal governments as it designs, develops, implements and oversees national air programs. Regional offices also work with states and local agencies and consult with tribes to implement and review these programs.</p> <p>Also, please see OECA Guidance and response to comment reflecting updated NPM Guidance in response to this comment.</p>	Change made
Issue Area: Tribal Programs				
<p><u>SIP Process for Criteria Air Pollutants Covered by NAAQS and other Air Pollutants</u> A considerable part of the Guidance is devoted to the implementation SIPs for criteria pollutants covered under the NAAQS (e.g., ozone, particulate matter, and sulfur dioxide) and other air pollutants such as those which contribute to regional haze and climate change. Importantly, neither the Guidance’s</p>	Bill Thompson, Chairman, NTAA, On Behalf of the NTAA Executive Committee	5. National Area of Focus: Tribal Programs, description	Consultation with tribes on SIP actions are regularly managed through EPA. Regional approaches to these issues may be located in the tribes EPA-tribal Environmental Plans (ETEP). OAR specifically commits to “Consult with tribal leaders and governments on EPA	No change

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<p>general sections nor those sections focused on Indian Tribes provide any discussion about how EPA will help facilitate consultation between states and Tribes, or between EPA and Tribes, regarding the development and implementation of these SIPs. Such a discussion about consultation is particularly important for those Tribes that have treatment as a state (also known as "TAS") status and which may mandate consultation under the law, as well as other Tribes that might be simply in the trajectory of pollutants emitted from facilities located in contiguous or nearby states.</p> <p><u>Recommendation:</u> The NTAA recommends that the Guidance identify how EPA plans to engage Indian Tribes in consultation with states and EPA regarding the development and implementation of SIPs that may impact such Tribes.</p>			<p>actions that may affect them" as well as "support tribal participation in local, regional and national policy development and actions through tribal consultation and the National Tribal Air Association" in the OAR NPM Guidance. Both of these actions demonstrate OAR commitment to supporting the tribal consultation process and meaningful communication and engagement.</p>	
<p><u>Air Quality Issues in Alaska Native Villages</u> The Guidance discusses how EPA will work with Tribes to undertake air quality activities in their respective communities. However, its reference to "Indian Country" throughout the document causes the NTAA to believe that EPA's obligation and commitment to working with Alaska Native Villages has not been fully addressed in the Guidance.</p> <p>There are 566 federally recognized Tribes including 229 Alaskan Native Villages. However, most of these Villages are not considered Indian Country. In Alaska v. Native Village of Venetie Tribal Government, the U.S. Supreme Court held that the Alaska Native Claims Settlement Act largely extinguished "Indian country" in Alaska. Further, EPA doesn't consider Alaska Native Villages to be part of Indian Country. Each of the Guidance's three sections devoted to Tribes contain the phrase "Indian Country" in their titles: (1) Improving Outdoor Air Quality and Addressing Climate Change in Indian Country; (2) Improving Indoor Environments in Indian Country; and (3) Addressing Radiation Protection in Indian Country. Only once are Alaska Native</p>	<p>Bill Thompson, Chairman, NTAA, On Behalf of the NTAA Executive Committee</p>	<p>5. National Area of Focus: Tribal Programs, throughout</p>	<p>As noted by NTAA there is a specific definition of Indian country used in the Clean Air Act. OAR agrees that the document can better reflect our ongoing commitment of including Alaska Native villages in our air quality work such as having an Alaskan Representative on the NTAA. OAR has modified the document to better reflect this commitment by incorporating Alaska Native villages, where appropriate, in the tribal air section.</p>	<p>Change made</p>

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<p>Villages referenced in the Guidance, and only as part of the NTAA’s mission statement. Arguably, Alaska Native Villages could be covered under the Guidance based on the reference to Tribes which includes these Villages. However, based on the Guidance’s multiple references to Indian Country and its failure to distinguish air quality issues specific to Alaska Native Villages that EPA should be addressing, NTAA is concerned that Alaska Native Villages have not been adequately addressed by EPA in the Guidance. Some of these issues are discussed in great length by the NTAA’s 2014 “Status of Tribal Air Report.”</p> <p><u>Recommendation:</u> The NTAA recommends that specific reference be made to Alaska Native Villages as Indian Tribes covered by the Guidance, and that the Guidance distinguish air issues unique to Alaska Native Villages for which EPA intends to undertake air quality activities.</p>				
<p><u>Actualization of Environmental Justice for Tribes</u> The Guidance identifies two primary actions that EPA intends to take with respect to the advancement of environmental justice, both for air toxics program implementation:</p> <ol style="list-style-type: none"> 1. Evaluate historic environmental justice trends to improve the implementation of meaningful involvement strategies for communities and regulated entities; and 2. Work with communities, particularly in urban areas and areas with disproportionate impacts or environmental justice concerns, to reduce air toxics from indoor and outdoor sources. <p>The Guidance does not distinguish how environmental justice will be actualized for Indian Tribes, which are unlike other members of the environmental justice community. Tribes are sovereign nations with certain rights as set forth by the U.S. Constitution, treaties, and longstanding legal precedence. They exercise cultural and political self-determination and have rights to and management authority over Tribal lands and resources.</p>	<p>Bill Thompson, Chairman, NTAA, On Behalf of the NTAA Executive Committee</p>	<p>5. National Area of Focus: Tribal Programs, Description</p>	<p>EPA issued its “Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples” on July 24, 2014; this policy was specifically written to address and describe the intersection of environmental justice issues and tribes. The policy is being implemented agency-wide and is not specific to air quality issues. OAR has modified the OAR NPM Guidance to articulate our commitment to addressing EJ and Indigenous peoples issues. OAR added the following language: “Ensure that achieving Environmental Justice is part of the EPA’s work with Tribal governments and Tribal communities including Alaska Native Villages, recognizing the unique sovereignty of</p>	<p>Change made</p>

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<p>Executive Order (EO) 12898 establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the U.S.9 Section 6-606 provides that EO 12898 applies to Native American programs. Further, no other members of the environmental justice community besides Indian Tribes possess a government-to-government relationship with the United States. EO 13175 requires consultation with Tribes on a "government-to-government" basis whenever the actions of federal agencies significantly or uniquely affect tribal interests.11 Government-to-government consultation with individual Tribes is necessary for a number of reasons. First, it provides for more candid conversations between individual Tribes and the federal government than would occur otherwise in a group meeting involving other Tribes and members of the environmental justice community. Second, each Tribe’s circumstances are unique and must be treated as such by the federal government. Group meetings would only give short shrift to these circumstances. Third, most cultural resources information is protected from release under statutory exemptions to the Freedom of Information Act. Discussion of such information as part of a group meeting risks its release to the general public and potentially endangers Tribal cultural sites and practices. <u>Recommendation:</u> The NTAA recommends that the Guidance specify how EPA will work with Indian Tribes, as part of the environmental justice community, to implement meaningful involvement strategies to reduce air toxics from indoor and outdoor sources in and near Tribal communities. The uniqueness of Tribes and their practices must be accounted for</p>			the Tribes.”	

**FY 2016-2017 OAR NPM GUIDANCE
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by EPA, and this sub-group of the environmental justice community must not be lumped together with other sub-groups for efficiency's sake.				
<p><u>Implementation of the U.N. Declaration on the Rights of Indigenous Peoples</u> In December 2010, the Obama Administration signed the United Nations Declaration on the Rights of Indigenous Peoples (Declaration). The Declaration sets out the individual and collective rights of Indigenous Peoples, many rights that the President has consistently supported such as the right of Tribal self-determination. In his statement supporting the Declaration, President Obama made several references to implementation to these rights in accordance with existing federal laws and priorities. The NTAA has heard that some federal entities are taking actions to implement the Declaration in their programs and policies. However, EPA seems to be silent on how it plans to implement the Declaration.</p> <p>The Guidance does not reference the Declaration or its implementation. The NTAA finds this troubling, since so many of the Nation's Tribes spent considerable time and effort to help to bring to fruition the signing of the Declaration by the U.S., one of the last country's to do so. The EPA must not ignore its role and duty, as an important part of the federal government, to act on implementing the Declaration to the benefit of Tribes.</p> <p><u>Recommendation:</u> The NTAA recommends that the Guidance include a discussion about how EPA plans to implement the Declaration with respect to its programs and policies focused on air quality.</p>	Bill Thompson, Chairman, NTAA, On Behalf of the NTAA Executive Committee	5. National Area of Focus: Tribal Programs, Description	EPA recognizes the importance of the United Nations Declaration on the Rights of Indigenous Peoples. While this is not an air quality specific issue, we agree that it is important to add a statement to the commitment sections of the Tribal Air section that is consistent with the US government statement found at: http://www.state.gov/documents/organization/184099.pdf OAR added the following language: "Recognizes the importance of the United Nations Declaration on the Rights of Indigenous Peoples and the principles that are consistent with the mission and authorities of the Agency."	Change made
<p><u>Tribal Measures and Targets for FY 2016</u> Appendix A of the Guidance provides a list of specific measures and associated targets to be met for FY 2016. The following measures are identified for Tribes:</p>	Bill Thompson, Chairman, NTAA, On Behalf of the NTAA	5. National Area of Focus: Tribal Programs	OAR continues to include the existing suite of tribal air measures for tracking purposes. As part of the early engagement process, OAR reached out to state, local and tribal air associations	No change

**FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS**

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<p>1. Cumulative number of Tribes with approved eligibility determinations under the Tribal Authority Rule (TR01);</p> <p>2. Cumulative number of Tribes with delegation of federal programs to address air quality conditions on Tribal lands (TR02);</p> <p>3. Cumulative number of Tribes with approved TIPs to address air quality conditions on Tribal lands (TR03);</p> <p>4. Number of Tribes conducting air quality monitoring activities (TR04);</p> <p>5. Number of Tribes implementing voluntary or other non-regulatory programs (TR06); and</p> <p>6. Number of Tribes that completed or updated an emission inventory during the fiscal year (TR08).</p> <p>Absent for these measures are any targets for FY 2016, much unlike other measures included in Appendix A.</p> <p>EPA should be striving for better air quality management for Indian Tribes. One way to do this is to establish targets that, if met, help measure improved performance and success among Tribes. The NTAA understands that targets for some of the measures may be inappropriate, but to exclude targets for all of the listed measures causes us to question why EPA has included such measures in the first place.</p> <p><u>Recommendation:</u> The NTAA recommends that, before the listed targets in Appendix A of the Guidance are finalized, EPA conduct government-to-government consultation with Indian Tribes to determine whether any of the measures for Tribes for which there are no targets should indeed have targets.</p>	Executive Committee		<p>to provide an opportunity for early input including comments. At that time, OAR did not receive input from NTAA or any individual tribes. No individual tribe has submitted a comment concerning the measures prior to or after receiving the NTAA comments on the current draft. As noted by the NTAA, EPA should “conduct government-to-government consultation with Indian Tribes” on the measures and specifically determine if there should be targets for certain measures.</p> <p>OAR agrees to work through NTAA to consider options for how to reflect tribal measures in the NPM Guidance, including “establish targets that, if met, help measure improved performance and success among tribes” for inclusion in the next NPM document.</p>	
Add revision to the Exceptional Events Demonstration guidance/rule to streamline process for tribes with limited resources.	GRIC Air Quality Program	2.1.2.1	The forthcoming Exceptional Events Rule revisions and guidance are expected to provide broadly applicable streamlined processes and mechanisms for developing, submitting, and reviewing exceptional events demonstrations. We believe the	No change

FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
			intended proposed changes and guidance will help all state/local/tribal air agencies, including those with limited resources.	
When referring to “states” also include “tribes” (also SIP/TIP).	GRIC Air Quality Program	All	Thank you for your comment. Changes made where appropriate.	Change made
Issue Area: Grants - PM2.5 Monitoring and Use of Section 103 Authority				
<p>EPA is proposing to begin shifting funding for the 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.</p> <p>Additionally, state and local agencies will face new and/or expanded monitoring requirements to address NO₂ and air toxics. Since these are either monitoring start-ups or expansions, it is critical that they be adequately funded under Section 103 authority.</p>	National Association of Clean Air Agencies (NACAA)	OAR Pages 12 and 16 (Ambient Monitoring)	EPA understands that states have limited funds and may prefer not to match. However, EPA does intend to transition the PM _{2.5} monitoring network to section 105 authority given the maturity of the network, notwithstanding appropriation restrictions. (Note that final congressional approval of the budget in recent years has not included that change.) We encourage States to continue to plan for the eventual transition of the PM _{2.5} network.	No change
EPA continues to propose to move PM _{2.5} funding from Section 103 to Section 105. We continue to request that it remain in Section 103, not requiring matching funds. This is critical to	Metro 4/ SESARM	Appendix B Grant Assistance to	See response above.	No change

FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS

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agencies due to their limited funds.		Co-Implementers §1.A. Continuing Air Program		
Issue Area: Grants – Request for Increased Funding				
<p>Effective Use and Distribution of STAG Funds: NACAA is pleased that the Administration’s FY 2016 budget includes an increase of \$40 million in grants to state and local air quality grants over FY 2015 levels (for a total of \$268.2 million). This request includes \$25 million to implement the Clean Power Plan and \$15 million for other continuing state and local air quality implementation activities. It also calls for a \$4 billion “Clean Power State incentive Fund” that would support states that wish to go beyond the Clean Power Plan program.</p> <p>NACAA is very appreciative of the proposed increases, which will provide much-needed financial assistance to agencies as they begin developing their implementation plans to address EPA’s Clean Power Plan and continue to administer their core clean air programs under the Clean Air Act. While the request is divided into \$25 million for climate work and \$15 for core programs, we instead recommend flexibility to state and local air agencies with respect to how they spend the \$40 million increase. In this way, state and local air agencies could use the additional funds for the highest priority activities in their areas, including, but not limited to, climate-related or core programs.</p> <p>NACAA is also pleased by the recommended \$4-billion Clean Power State Incentive Fund contained in the President’s request because it will assist states and localities that wish to achieve additional and quicker reductions in greenhouse gas emissions.</p>	National Association of Clean Air Agencies (NACAA)	OAR App. B Page 1 (Effective Use and Distribution of STAG Funds)	EPA recognizes that state and local agencies desire maximum flexibility in the use of new funding. In the President’s Budget Request, there is a significant increase of \$40M for states. Of that, \$15M is available for states to use to fund CAA activities and is not targeted. \$17.5M is requested for Clean Power Plan grant activities authorized under Section 103 of the CAA requiring no state match. And, \$7.5M is requested for Clean Power Plan grant activities that fall under Section 105 of the CAA.	No change

FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS

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<p>We suggest that EPA grant state and local agencies maximum flexibility in the use of new funding. Some agencies may find it helpful to make their own determinations regarding the use of the proposed \$40 million increase in funding currently targeted towards core programs and new initiatives.</p>	<p>Metro 4/ SESARM</p>	<p>Appendix B Grant Assistance to Co-Implementers §1.A. Continuing Air Program</p>	<p>See response above.</p>	<p>No change</p>
<p>Issue Area: Grants - Allowance Trading Programs</p>				
<p>EPA proposes to use state and local grant funds to operate the Cross State Air Pollution Rule (CSAPR). NACAA opposes this. Instead, we recommend that EPA fund the administration of the program in the same way that the Acid Rain program is administered – using funds from EPA’s own operating budget, not state and local air grants.</p>	<p>National Association of Clean Air Agencies (NACAA)</p>	<p>OAR App. B Page 3 (Allowance Trading Programs)</p>	<p>CSAPR and other programs for controlling the interstate transport of pollution do not have their own funding source. These programs were developed by EPA to enable the affected states to comply more cost-effectively with the “good neighbor” requirements of CAA section 110(a)(2)(D)(i) than they could do on their own without the benefits of interstate allowance trading and centralized emissions tracking, quality assurance, and monitor certification systems. Accordingly, EPA has asked affected states that participate in an interstate emissions allowance trading program administered by EPA to satisfy the CAA section 110(a)(2)(D)(i) requirements to share the program costs. Each year, EPA contributes FTE for program administration, monitor certification, compliance determination, and</p>	<p>No change</p>

**FY 2016-2017 OAR NPM GUIDANCE
SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS**

Comment from State, Tribe, or Other Stakeholder	Commenter(s)	Location in Draft Guidance	NPM Response	Action Taken in Final Guidance
			assessment whereas the participating states contribute a portion of their Sec 105 funds towards the implementation and operation of the centralized allowance trading and emissions tracking systems.	
EPA proposes to use STAG funding to pay for the CSAPR trading program. This would constitute an approximate 3% tax on Region 4 grants. In the past we have consistently requested that EPA not fund the NOx trading program using STAG funding but EPA has continued to do so. Fundamental infrastructure support for EPA initiatives such as allowance trading programs should be funded with federal dollars not otherwise destined to the state and local agencies.	Metro 4/ SESARM	Appendix B Grant Assistance to Co-Implementers §1.A. Continuing Air Program	See response above.	No change
Issue Area: Grants - Diesel Emission Reduction Act (DERA) program				
NACAA is pleased that the President’s budget request called for \$10 million in 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. We appreciate that the President’s budget request did not fund DERA 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.	National Association of Clean Air Agencies (NACAA)	OAR App. B Page 6 (Diesel Emission Reduction Program)	EPA appreciates NACAA’s support for the DERA program. Congress appropriates DERA specific funding through the STAG account. EPA does not control how the funds are provided.	No change
We appreciate the fact that EPA has funded the DERA program with funds outside the STAG category.	Metro 4/ SESARM	Appendix B §1. Grant Assistance to	Thank you for your comment. See response above.	No change

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SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS**

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		Co-Implementers §1.B. Diesel Emission Reduction Program		
Issue Area: Grants - Grant Allocation Formula				
<p>We appreciate the fact that EPA continues to propose implementation of the revised grant allocation formula that was first produced in 2010. We recommend that EPA find a way to resolve the funding inequity that it has identified in the Southeast. Southeastern agencies have dealt with a disproportionately large share of responsibilities for many years and a disproportionately small share of STAG funds. As an example, the Southeast has around 20% of the U.S. population. Several other demographics relevant to air program obligations match or exceed the population percentage. For the past few decades, there has been a significant shift of population and business/industry development to the Southeast and that trend continues. Yet, the southeastern agencies receive only a little more than 12% of the national air program STAG funds. EPA has concurred and since FFY 2012 has proposed adjusting the funding formula to resolve this inequity. However, the revised formula has never been implemented due to Congressional limitations imposed on EPA's budget. We request that EPA identify a mechanism for resolving the funding inequity in FFY 2016 through implementation of the revised funding formula or by awarding from separate funds a substantial equity adjustment to the southeastern agencies.</p>	Metro 4/ SESARM	Appendix B §3. Effective Grants Management	EPA has stated its intent to move to the revised allocation in FY 2016 with the dual goals of targeting STAG funds to the most pressing air quality problems while ensuring that the integrity of all state/local air program operations is maintained. To this end, EPA intends to phase in the revised allocation approach in over a multi-year period to minimize disruptions to state and local program operations, notwithstanding appropriation restrictions. (Since FY 2011, Congress has directed EPA to maintain the current allocation formula through report language.)	No change
Issue Area: Grants - General				
We continue to appreciate the support of EPA in receiving	Metro 4/	Appendix B	Thank you for your comments.	No change

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SUMMARY TEMPLATE: FY 2016-2017 EXTERNAL COMMENTS AND RESPONSE TO COMMENTS**

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<p>noncompetitive grants to aid the member agencies that formed the organizations. Assistance that we provide to our members is conducted efficiently and effectively.</p> <p>The member agencies of Metro 4 and SESARM appreciate the approval process used by EPA when STAG funds are involved. This gives the agencies control over funding that would otherwise come directly to them if not designated for other selected purposes by those agencies.</p>	SESARM	§2. Effective Grants Management		