

**COMMENTS OF THE
NAAQS REGULATORY REVIEW & RULEMAKING COALITION
ON THE PROPOSED UPDATE OF PM_{2.5} DATA FROM T640/T640X PM MASS
MONITORS**

DOCKET NO. EPA-HQ-OAR-2023-0642

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U.S. CHAMBER OF COMMERCE**

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On February 14, 2024, the Environmental Protection Agency (“EPA”) published a notice requesting comment on a proposal to retroactively apply Federal Equivalent Method (“FEM”) modifications to all particulate matter smaller than 2.5 micrometers (“PM_{2.5}”) concentration data from the Teledyne Advanced Pollution Instrumentation Model T640 PM mass monitor (“T640”), including the 640X option (“T640X”), in EPA’s Air Quality System (“AQS”) reported prior to the FEM modification’s approval in April 2023.¹ The notice refers to an EPA memo entitled “Proposal to Update PM_{2.5} Data from T640/T640X PM Mass Monitors” (“FEM Update Memo”), which noted that the T640/T640X PM bias for PM_{2.5} emissions has been relatively consistently reported to be 20% higher than collocated Federal Reference Monitors.²

The National Ambient Air Quality Standards (“NAAQS”) Regulatory Review and Rulemaking (“NR3”) Coalition joins other stakeholders in “broad and strong support” for updating FEM calibrations to address biases.³ Reserving comment on specific technical and methodological issues, we support the FEM Update Memo’s plan to retroactively calibrate T640/T640X PM_{2.5} AQS data in time to provide stakeholders with updated monitors and data by April 2024, before the annual air monitoring certification letter is due on May 1, 2024.⁴

¹ 89 Fed. Reg. 11,831.

² FEM Update Memo at 2; *see also* 89 Fed. Reg. 16,202, 16,350 (March 6, 2024) (noting that certain approved particulate matter FEMs were not meeting bias measurement quality objectives).

³ 89 Fed. Reg. at 16,351 and 52.

⁴ FEM Update Memo at 3-4.

While aggressive, this timeline does not keep pace with EPA’s deadlines for state under the recently revised PM_{2.5} NAAQS. EPA elected to start the standards’ implementation clock at the earliest point possible – final rule signature.⁵ Accordingly, EPA requires states to submit designations by February 7, 2025, only nine months after the FEM Update Memo makes revised AQS data available. EPA should acknowledge this disconnect and exercise its statutory 1-year authority to extend designations for the revised PM_{2.5} NAAQS.⁶ This would align EPA’s current schedule to provide states with data to make designations with EPA’s deadline for states to submit those designations.

While the FEM Update Memo focuses mainly on state, local, and tribal air agencies, it is critical to also view FEM calibration in the larger context of Prevention of Significant Deterioration (“PSD”) permit gridlock under the revised PM_{2.5} NAAQS. Real-world data show that when accounting for EPA modeling requirements, most projects requiring a PSD permit need headroom of up to about 3.0 µg/m³ between background and the standard level to demonstrate that they will not cause or contribute to a violation of the annual PM_{2.5} NAAQS.⁷ The revised 9.0 µg/m³ PM_{2.5} NAAQS will push virtually the entire country below that threshold, undermining PSD permitting and hampering economic growth even in areas that attain the NAAQS.⁸ Review of actual permit applications across several industries – including clean energy, electric vehicles, and other projects supported by the Bipartisan Infrastructure Law –

⁵ Memo. from Joseph Goffman, EPA Assistant Adm’r to Reg’l Adm’rs, Initial Area Designations for the 2024 Revised Primary Annual Fine Particulate National Ambient Air Quality Standards 1-2 (Feb. 7, 2024).

⁶ See Clean Air Act § 181(a)(5), 42 U.S.C. § 7511(a)(5).

⁷ NR3, Comments on EPA’s Reconsideration of the National Ambient Air Quality Standards for Particulate Matter 40, EPA Docket No. EPA-OAR-HQ-2015-0072-2361 (“NR3 Proposal Comments”).

⁸ *Id.*

which met demonstration requirements under the existing PM_{2.5} NAAQS indicates that most would be unable to meet PSD permitting requirements at the new 9.0 µg/m³ PM_{2.5} NAAQS.⁹

These PSD permit demonstration constraints leave no room for ambient background levels biased by uncalibrated FEMs – even data 20% too high could be enough to effectively halt PSD permitting. This is why EPA must meet the FEM Update Memo’s schedule to make calibrated data available for PSD applicants by the revised PM_{2.5} NAAQS’ effective date of May 6, 2024. Even if EPA meets this deadline, permit applicants will almost certainly face challenges using the revised AQS data. As the FEM Update Memo calls for air agencies, EPA and its Regional Offices should commit to also working with permit applicants on a case-by-case basis to consider implications of updated AQS data.¹⁰

The FEM Update Memo is a good first step to giving local businesses the headroom they need to grow under the revised PM_{2.5} NAAQS. But, it is a late one and too small to match the impending permitting crisis that EPA has created. EPA should leverage upcoming planned Appendix W updates to implement improvements addressing fugitive PM_{2.5} emissions and other reforms, including the use of probabilistic modeling.¹¹ Because EPA declined our suggestion to extend the revised PM_{2.5} NAAQS effective date,¹² this work will need to be done at unprecedented scale and pace to avert those standards’ worst economic consequences.

We appreciate the opportunity to comment on the FEM Update Memo, and look forward to continuing work with EPA on improving NAAQS implementation and permitting.

⁹ *Id.* at 37-39.

¹⁰ *See* FEM Update Memo at 4-5.

¹¹ NR3 Proposal Comments at 40-41 (urging AERMOD improvements including characterization of building shapes, moist and buoyant plumes, and ambient pollutant levels in low wind speed conditions.).

¹² *Id.* at 30-36.