6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA-HQ-OAR-2008-0348; FRL-8784-5]

RIN 2060-AO58

Methods for Measurement of Filterable PM_{10} and $PM_{2.5}$ and Measurement of Condensable Particulate Matter Emissions from Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes amendments to Methods 201A and 202. The proposed amendments to Method 201A would add a particle-sizing device to allow for sampling of particulate matter (PM) with mean aerodynamic diameters less than or equal to 2.5 micrometers (µm) ($PM_{2.5}$ or fine PM). The proposed amendments to Method 202 would revise the sample collection and recovery procedures of the method to reduce the formation of reaction artifacts that could lead to inaccurate measurements of condensable particulate matter (CPM). Additionally, the proposed amendments to Method 202 would eliminate most of the hardware and analytical options in the existing method, thereby increasing the precision of the method and improving the consistency in the measurements obtained between source tests performed under different regulatory authorities.

Finally, in this notice we are soliciting comments on whether to end the transition period for CPM in the New Source Review (NSR) program on a date earlier than the current end date of January 1, 2011. The proposed amendments would improve the measurement of fine particulates and would help State and local agencies in implementing CPM control measures to attain the $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) which were established to protect public health and welfare.

DATES: Comments. Comments must be received on or before May 26, 2009.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA-HQ-OAR-2008-0348, by one of the following methods:

- http://www.regulations.gov. Follow the on-line instructions for submitting comments.
- E-mail: Send your comments via electronic mail to a-and-r-docket@epa.gov.
- Fax: (202) 566-9744.
- Mail: Methods for Measurement of Filterable PM_{10} and $PM_{2.5}$ and Measurement of Condensable Particulate Matter Emissions from Stationary Sources, Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Please include a total

of two copies.

- Hand Delivery: EPA Docket Center EPA Headquarter Library, Room 3334, EPA West Building, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are accepted only during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2008-0348. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at http://www.regulations.gov, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through http://www.regulations.gov or e-mail. The http://www.regulation.gov Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through http://www.regulations.gov, your e-mail address will be automatically captured and included

as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at http://www.epa.gov/epahome/dockets.htm. Docket: All documents in the docket are listed in the http://www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in http://www.regulations.gov or in hard copy at the Methods for Measurement of Filterable PM_{10} and $PM_{2.5}$ and Measurement of Condensable Particulate Matter Emissions from Stationary Sources Docket, EPA/DC, EPA West Building, Room 3334, 1301 Constitution Ave., NW,

Washington, DC. The Public Reading Room/Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air Docket Center is (202) 566-1742.

Public Hearing: If anyone contacts EPA requesting to speak at a public hearing concerning our proposal to revise the PM test methods by April 14, 2009, we will hold a public hearing on or about April 24, 2009. Persons interested in presenting oral testimony should contact Ms. Kristal Mozingo, Measurement Policy Group (D243-05), Sector Policies and Programs Division, EPA, Research Triangle Park, NC 27711, telephone number: (919) 541-9767, e-mail address: mozingo.kristal@epa.gov. Persons interested in attending the public hearing should also call Ms. Mozingo to verify the time, date, and location of the hearing. A public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed test method revisions.

If a public hearing is held, it will be held at 10 a.m. at the Conference Facilities at EPA's Main Campus, Research Triangle Park, NC, or an alternate site nearby.

FOR FURTHER INFORMATION CONTACT: For general information, contact Ms. Candace Sorrell, U.S. EPA, Office of Air

Quality Planning and Standards, Air Quality Assessment Division, Measurement Technology Group (E143-02), Research Triangle Park, NC 27711; telephone number: (919) 541-1064; fax number; (919) 541-0516; e-mail address: sorrell.candace@epa.gov. For technical questions, contact Mr. Ron Myers, U.S. EPA, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Measurement Policy Group (D243-05), Research Triangle Park, NC 27711; telephone number: (919) 541-5407; fax number: (919) 541-1039; e-mail address: myers.ron@epa.gov.

SUPPLEMENTARY INFORMATION:

A. Does This Action Apply to Me?

This action would apply to you if you operate a stationary source that is subject to applicable requirements for total PM or total PM_{10} where EPA Method 202 is incorporated as a component of the applicable compliance method.

In addition, this action would apply to you if Federal, State, or local agencies take certain additional independent actions. For example, this action would apply to sources through actions by State and local agencies which implement CPM control measures to attain the $PM_{2.5}$ NAAQS and specify the use of this test method to demonstrate compliance with the control measure. Actions

that State and local agencies would have to implement include: (1) adopting this method in rules or permits (either by incorporation by reference or by duplicating the method in its entirety), and (2) promulgating an emissions limit requiring the use of this method (or an incorporated method based upon this method). This action would also apply to stationary sources that are required to meet new applicable CPM requirements established through Federal or State permits or rules, such as New Source Performance Standards and New Source Review, which specify the use of this test method to demonstrate compliance with the control measure.

The source categories and entities potentially affected include, but are not limited to, the following:

Category	**SIC[1] code**	**NAICS[2] code**	**Examples of potentially regulated entities**
Industry	3569	332410	Fossil fuel steam generators.
	3569	332410	Industrial, commercial, institutional steam generating units.
	3569	332410	Electricity generating units.
	2911	324110	Petroleum refineries.
	4953	562213	Municipal waste combustors.
	2621	322110	Pulp and paper mills.

Category	SIC[1] code	NAICS[2] code	Examples of potentially regulated entities
	2819	325188	Sulfuric acid plants.
	3241	327310	Portland Cement Plants.
	3274	327410	Lime Manufacturing Plants.
	1222 1231	211111 212111 212112 212113	Coal Preparation Plants.
	3334 3341	331312 331314	Primary and Secondary Aluminum Plants.
	3312 3325	331111 331513	Iron and Steel Plants.
	2493 2435 2436	321219 321211 321212	Plywood and Reconstituted Products Plants.

[1]Standard Industrial Classification.
[2]North American Industrial Classification System.

B. What Should I Consider As I Prepare My Comments for EPA?

Do not submit information containing CBI to EPA through http://www.regulations.gov or e-mail. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404-02), U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, Attention Docket ID No. EPA-HQ-OAR-2008-0348. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI, and then

identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

C. Where Can I Obtain a Copy of This Action and Other Related Information?

In addition to being available in the docket, an electronic copy of today's proposed amendments is also available on the Worldwide Web (http://www.epa.gov/ttn/) through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the proposed amendment will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at http://www.epa.gov/ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control.

D. How Is This Document Organized?

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II. Background

A. Why Is EPA Issuing This Proposed Rule?

On April 25, 2007 (70 FR 20586), we promulgated the Clean Air Fine Particle Implementation Rule regarding the Clean Air Act (CAA) requirements for State and Tribal plans

to implement the 1997 $PM_{2.5}$ NAAQS. These rules require that each State having a $PM_{2.5}$ nonattainment area must submit, by April 5, 2008, an attainment demonstration and adopt regulations to ensure the area will attain the standards as expeditiously as practicable, but even those areas for which the Administrator determines an extension from the 2010 attainment date is appropriate may not receive an extension later than a 2015 attainment date. The emissions inventories and analyses used in the attainment demonstrations must consider filterable and condensable fractions of $PM_{2.5}$ emissions from stationary sources that are significant contributors of direct $PM_{2.5}$ emissions. Direct $PM_{2.5}$ emissions means the solid particles or liquid droplets emitted directly from an air emissions source or activity, or the gaseous emissions or liquid droplets from an air emissions source or activity that condense to form PM or liquid droplets at ambient temperatures.

The preamble to the April 25, 2007, rule acknowledged that there remain questions whether the available test methods provide the most accurate representation of primary PM emissions even though some States have established emissions limits for CPM. As a result, the final rule established a transitional period for developing emissions limits and regulations for condensable $PM_{2.5}$. During this

transitional period, EPA has committed to devote resources to assessing and improving the available test methods for CPM.

In response to this commitment and to address the need for improved measurement of fine PM, EPA is proposing amendments to the following test methods in 40 CFR Part 51, Appendix M (Recommended Test Methods for State Implementation Plans (SIPs)):

- Method 201A - Determination of PM_{10} Emissions (Constant Sampling Rate Procedure), and
- Method 202 - Determination of Condensable Particulate Emissions from Stationary Sources.

These amendments to Method 201A add a particle-sizing device to allow for sampling of $PM_{2.5}$, PM_{10}, or both PM_{10} and $PM_{2.5}$. With regard to Method 202, we are aware that the method and the various hardware and analytic options described therein are sometimes applied inappropriately, which can lead to inaccurate and imprecise CPM measurements. We are also aware that Method 202 can produce inaccurate CPM measurements when sampling certain types of emissions sources, due to formation of reaction artifacts. The amendments to Method 202 revise the sample collection and recovery procedures of the method to provide for more accurate and precise measurement of CPM.

B. Particulate Matter National Ambient Air Quality Standards

Section 108 and 109 of the CAA govern the establishment and revision of the NAAQS. Section 108 (42 U.S.C. 7408) directs the Administrator to identify and list "air pollutants" that "in his judgment, may reasonably be anticipated to endanger public health and welfare" and whose "presence...in the ambient air results from numerous or diverse mobile or stationary sources" and to issue air quality criteria for those that are listed. Air quality criteria are intended to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in ambient air...." Section 109 (42 U.S.C. 7409) directs the Administrator to propose and promulgate primary and secondary NAAQS for pollutants listed under section 108 to protect public health and welfare, respectively. Section 109 also requires review of the NAAQS at 5-year intervals and that an independent scientific review committee "shall complete a review of the criteria...and the national primary and secondary ambient air quality standards...and shall recommend to the Administrator any new...standards and revisions of existing criteria and standards as may be

appropriate....” Since the early 1980s, this independent review function has been performed by the Clean Air Scientific Advisory Committee (CASAC).

Initially EPA established the NAAQS for PM on April 30, 1971 (36 FR 8186) based on the original criteria document (Department of Health, Education, and Welfare, 1969). The reference method specified for determining attainment of the original standards was the high-volume sampler, which collects PM up to a nominal size of 25 to 45 µm (referred to as total suspended particulates or TSP). On October 2, 1979 (44 FR 56730), EPA announced the first periodic review of the air quality criteria and NAAQS for PM, and significant revisions to the original standards were promulgated on July 1, 1987 (52 FR 24634). In that decision, EPA changed the indicator for particles from TSP to PM_{10}. When that rule was challenged, the court upheld revised standards in all respects. Natural Resources Defense Council v. Administrator, 902 F. 2d 962 (D.C. Cir. 1990, cert. denied, 498 U.S. 1082 (1991).

In April 1994, EPA announced its plans for the second periodic review of the air quality criteria and NAAQS for PM, and the Agency promulgated significant revisions to the NAAQS on July 18, 1997 (62 FR 38652). In that decision, EPA revised the PM NAAQS in several respects. While EPA

determined that the PM NAAQS should continue to focus on particles less than or equal to 10 µm in diameter (PM_{10}), EPA also determined that the fine and coarse fractions of PM_{10} should be considered separately. The EPA added new standards, using $PM_{2.5}$ as the indicator for fine particles (with $PM_{2.5}$ referring to particles with a nominal mean aerodynamic diameter less than or equal to 2.5 µm), and using PM_{10} as the indicator for purposes of regulating the coarse fraction of PM_{10}.

Following promulgation of the 1997 PM NAAQS, petitions for review were filed by a large number of parties, addressing a broad range of issues. In May 1999, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit issued an initial decision that upheld EPA's decision to establish fine particle standards. American Trucking Associations v. EPA, 175 F.3d 1027, 1055 (D.C. Cir. 1999), reversed in part on other grounds in Whitman v. American Trucking Associations, 531 U.S. 457 (2001). The Panel also found "ample support" for EPA's decision to regulate coarse particle pollution but vacated the 1997 PM_{10} standards, concluding that EPA had not provided a reasonable explanation justifying use of PM_{10} as an indicator for coarse particles. Id. at 1054-55. Pursuant to the court's decision, EPA removed the vacated

1997 PM_{10} standards but retained the pre-existing 1987 PM_{10} standards (65 FR 80776, December 22, 2000).

On October 23, 1997, EPA published its plans for the third periodic review of the air quality criteria and NAAQS for PM (62 FR 55201), including the 1997 $PM_{2.5}$ standards and the 1987 PM_{10} standards. On October 17, 2006, EPA issued its final decisions to revise the primary and secondary NAAQS for PM to provide increased protection of public health and welfare, respectively (71 FR 61144). With regard to the primary and secondary standards for fine particles, EPA revised the level of the 24-hour $PM_{2.5}$ standard to 35 µg per cubic meter (µg/m^3), retained the level of the annual $PM_{2.5}$ annual standard at 15 µg/m^3, and revised the form of the annual $PM_{2.5}$ standard by narrowing the constraints on the optional use of spatial averaging. With regard to the primary and secondary standards for PM_{10}, EPA retained the 24-hour PM_{10} standard (150 µg/m^3) and revoked the annual standard because available evidence generally did not suggest a link between long-term exposure to current ambient levels of coarse particles and health or welfare effects.

C. Measuring PM Emissions

Section 110 of the CAA, as amended (42 U.S.C. 7410), requires that State and local air pollution control

agencies develop and submit plans for EPA approval that provide for the attainment, maintenance, and enforcement of the NAAQS in each air quality control region (or portion thereof) within such State. These plans are known as SIPs. 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) specifies the requirements for SIPs. Appendix A to subpart A of 40 CFR part 51, defines primary PM_{10} and $PM_{2.5}$ as including both the filterable and condensable fractions of PM. Filterable PM consists of those particles that are directly emitted by a source as a solid or liquid at the stack (or similar release conditions) and captured on the filter of a stack test train. Condensable PM is the material that is in vapor phase at stack conditions but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid PM immediately after discharge from the stack.

Promulgation of the 1987 NAAQS created the need for methods to quantify PM_{10} emissions from stationary sources. In response, EPA developed and promulgated the following test methods:

- Method 201A - Determination of PM_{10} Emissions (Constant Sampling Rate Procedure), and
- Method 202 - Determination of Condensable Particulate

Emissions from Stationary Sources.

1. Method 201A

On April 17, 1990 (56 FR 65433), EPA promulgated Method 201A in Appendix M of 40 CFR Part 51 to provide a test method for measuring filterable PM_{10} emissions from stationary sources. In EPA Method 201A, a gas sample is extracted at a constant flow rate through an in-stack sizing device which directs particles with aerodynamic diameters less than or equal to 10 µm to a filter. The particulate mass collected on the filter is determined gravimetrically after removal of uncombined water. With the exception of the PM_{10}-sizing device, the current Method 201A sampling train is the same as the sampling train used for EPA Method 17 of Appendix A-3 to 40 CFR Part 60.

Method 201A cannot be used to measure emissions from stacks that have entrained moisture droplets (e.g., from a wet scrubber stack) since these stacks may have water droplets that are larger than the cut size of the PM_{10}-sizing device. The presence of moisture would prevent an accurate measurement of total PM_{10} since any PM_{10} dissolved in larger water droplets would not be collected by the sizing device and would consequently be excluded in determining the total PM_{10} mass. To measure PM_{10} in stacks where water droplets are known to exist, EPA's Technical

Information Document (TID) 09 (Methods 201 and 201A in Presence of Water Droplets), recommends use of Method 5 of Appendix A-3 to 40 CFR Part 60 (or a comparable method) and consideration of the total particulate catch as PM_{10} emissions.

Method 201A is also not applicable for stacks with small diameters (i.e., 18 inches or less). The presence of the in-stack nozzle/cyclones and filter assembly in a small duct will cause significant cross-sectional area interference and blockage leading to incorrect flow calculation and particle size separation. Additionally, the type of metal used to construct the Method 201A cyclone may limit the applicability of the method when sampling at high stack temperatures (e.g., stainless steel cyclones are reported to gall and seize at temperatures greater than 260 $^{\circ}$C).

2. Method 202

On December 17, 1991 (56 FR 65433), EPA promulgated Method 202 in Appendix M of 40 CFR Part 51 to provide a test method for measuring CPM from stationary sources. Method 202 uses water-filled impingers to cool, condense, and collect materials that are vaporous at stack conditions and become solid or liquid PM at ambient air temperatures. Method 202, as promulgated, contains several optional

procedures that were intended to accommodate the various test methods used by State and local regulatory entities at the time Method 202 was being developed.

When conducted consistently and carefully, Method 202 provides acceptable precision for most emission sources, and the method has been used successfully in regulatory programs where the emission limits and compliance demonstrations are established based on a consistent application of Method 202 and its associated options. However, when the same emission source is tested using different combinations of the optional procedures, there may appear to be large variations in the measured CPM emissions. Additionally, during validation of the promulgated method, we determined that sulfur dioxide (SO_2) gas (a typical component of emissions from several types of stationary sources) can be absorbed partially in the impinger solutions and can react chemically to form sulfuric acid. This sulfuric acid "artifact" is not related to the primary emission of CPM from the source but may be counted erroneously as CPM when using Method 202. As we have maintained consistently, the artifact formation can be reduced by at least 90 percent if a one-hour nitrogen purge of the impinger water is used to remove SO_2 before it can form sulfuric acid (this is our preferred

application of the Method 202 optional procedures). Inappropriate use (or omission) of the preferred or optional procedures in Method 202 can increase the potential for artifact formation.

Considering the potential for variations in measured CPM emissions, we believe that further verification and refinement of Method 202 is appropriate to minimize the potential for artifact formation. We have performed several studies to assess artifact formation when using Method 202. The results of our 1998 laboratory study and field evaluation commissioned to evaluate the impinger approach can be found in "Laboratory and Field Evaluation of the EPA Method 5 Impinger Catch for Measuring Condensible Matter from Stationary Sources" at the following Internet address: http://www.epa.gov/ttn/emc/methods/m202doc1.pdf. Essentially, the 1998 study verified the need for a nitrogen purge when SO_2 is present in stack gas and also provided guidance for analyzing the collected samples. In 2005, an EPA contractor conducted a second study ("Laboratory Evaluation of Method 202 to Determine Fate of SO_2 in Impinger Water") that replicated some of the earlier EPA work and addressed some additional issues. The report of that work is available at the following Internet

address: http://www.epa.gov/ttn/emc/methods/m202doc2.pdf. This report also verified the need for a nitrogen purge and identified the primary factors that affect artifact formation.

Also in 2005, a private testing contractor presented a possible minor modification to Method 202 at the Air and Waste Management Association (AWMA) specialty conference. The proposed modification, described in their presentation titled "Optimized Method 202 Sampling Train to Minimize the Biases Associated with Method 202 Measurement of Condensable Particulate Matter Emissions," involved the elimination of water from the first impingers. The presentation (which is available at the following Internet address: http://www.epa.gov/ttn/emc/methods/m202doc3.pdf) concluded that modification of the promulgated method to use dry impingers resulted in a significant additional reduction in the sulfate artifact.

In 2006, we began to conduct laboratory studies, in collaboration with several stakeholders, to characterize the artifact formation and other uncertainties associated with conducting Method 202 and to identify procedures that would minimize uncertainties when using Method 202. Since August 2006, we have held two workshops in Research Triangle Park, North Carolina. These meetings were held to

present and seek comments on our plan for evaluating potential modifications to Method 202 that would reduce artifact formation. Also, these meetings were held to discuss our progress in characterizing the performance of the modified method, issues that require additional investigation, the results of our laboratory studies, and our commitments to extend the investigation through stakeholders external to EPA. We held another meeting with experienced stack testers and vendors of emissions monitoring equipment to discuss hardware issues associated with modifications of the sampling equipment and the glassware for the proposed CPM test method. Summaries of the method evaluations, as well as meeting minutes from our workshops, can be found at the following Internet address: http://www.epa.gov/ttn/emc/methods/method202.html.

The laboratory studies that were performed fulfill a commitment in the preamble to the Clean Air Fine Particle Implementation Rule (72 FR 20586, April 25, 2007) to examine the relationship between several critical CPM sampling and analysis parameters and, to the extent necessary, propose revisions to incorporate improvements in the method. While these improvements in the stationary source test method for CPM will provide for more accurate and precise measurement of all PM, the addition of $PM_{2.5}$ as

an indicator of health and welfare effects by the 1997 NAAQS revisions generates the need to quantify $PM_{2.5}$ emissions from stationary sources. To respond to this need, we are proposing revisions to incorporate this capability into the test method for filterable PM_{10}.

III. This Action

This action proposes to provide the capability of measuring $PM_{2.5}$ using Method 201A and to provide for more accurate measurement of the filterable and condensable components of fine PM (particles with mean aerodynamic diameters less than or equal to 2.5 µm) and coarse PM (particles with mean aerodynamic diameters less than or equal to 10 µm) when using Method 202. Method 201A proposed amendments would add a particle-sizing cyclone to the sampling train. Method 202 proposed amendments would reduce the formation of sulfuric acid artifact by at least an additional 90 percent (compared to our recommended procedures for the existing Method 202), provide for greater consistency between testing contractors in method application, improve the precision of the method, and provide for more accurate quantification of direct (i.e., primary) PM emissions to the ambient air (the method will not measure secondarily-formed PM). The proposed amendments would also affect the measurement of total PM,

PM_{10}, and $PM_{2.5}$. Additionally, we are proposing to revise the format of Methods 201A and 202 to be consistent with the format developed by EPA's Environmental Monitoring Management Council (EMMC). A guidance document describing the EMMC format can be found at the following Internet address: http://www.epa.gov/ttn/emc/guidlnd/gd-045.pdf.

A. What Are the Proposed Amendments to Method 201A?

On July 18, 1997 (62 FR 38652), we revised the NAAQS for PM to add new standards for fine particles, using $PM_{2.5}$ as the indicator. This action will modify the current Method 201A sampling train configuration to allow for measurement of filterable PM_{10}, filterable $PM_{2.5}$, or both filterable PM_{10} and filterable $PM_{2.5}$ from stationary sources. These amendments combine the existing method with the $PM_{2.5}$ cyclone to create a sampling train that includes a total of two cyclones (one cyclone to size particles with aerodynamic diameters greater than 10 µm and one cyclone to size particles with aerodynamic diameters greater than 2.5 µm) and a final filter to collect particles with aerodynamic diameters less than or equal to 2.5 µm. The $PM_{2.5}$ cyclone would be inserted between the PM_{10} cyclone and the filter of the Method 201A sampling train.

We are not proposing any amendments to address the use of this method when the stack gas has entrained moisture or

when the method is used for stack gases with high temperatures. In July 1979, we published a research document (EPA-600/7-79-166) to report the preliminary development of a method for measuring and characterizing the particles in the vent stream from a wet scrubber used to control sulfur oxide emissions. The method was based on the use of a heated, electrified wire placed in the vent stream. When a water droplet impacted the wire, the electric current flowing through the wire was attenuated in proportion to the size of the water droplet. We decided it was not appropriate to promulgate the preliminary method and, at this time, we are not aware of any commercially-available equipment that can determine the aerodynamic size of PM contained in, or dissolved in, liquid water droplets as they would exist in the ambient air following release and evaporation in the ambient air. While we are aware of several optical aerosol droplet spectrometers for measuring the size distribution of liquid droplets in exhaust gases, we are not aware of any commercial instruments that can measure size distributions of particles emitted from stationary sources. We also lack knowledge on the relative effects of solids concentration in the liquid droplets and the possible presence of dry particles in addition to the liquid droplets. Consequently, we recommend the use of EPA

Method 5 (40 CFR Part 60, Appendix A-3 - Determination of Particulate Matter Emissions from Stationary Sources) when measuring PM in stacks with saturated water vapors containing entrained water droplets. With this application of EPA Method 5, all of the collected material would be considered $PM_{2.5}$.

B. What Are the Proposed Amendments to Method 202?

This action proposes amendments incorporating modifications that would reduce the formation of artifacts at both low and high concentrations of SO_2 in the sample gas stream. The modifications were developed based on the method evaluations discussed in Section II.C.2 of this preamble.

Method 202, as promulgated in 1991, is a set of sampling procedures for collecting PM in water-filled impingers and a set of sample recovery procedures that are performed on the water following its collection. The water-filled impingers are nearly identical to the four chilled impingers used in standard stationary source sampling trains for PM (e.g., Method 5 and Method 17 of Appendix A-3 and A-6, 40 CFR Part 60). In principle, CPM is collected in the impinger portion of a Method 17-type sampling train. Our preferred operation of the promulgated method requires that the impinger contents be purged with

nitrogen after the test run to remove dissolved SO_2 gas from the impinger contents. The impinger solution is then extracted with methylene chloride to separate the organic CPM from the inorganic CPM. The organic and aqueous fractions are then dried and the residues weighed. The sum of both fractions represents the total CPM.

These proposed amendments to Method 202 sampling train and sample recovery procedures would achieve at least an additional 90 percent reduction in sulfuric acid artifact formation compared to the current Method 202 using the nitrogen purge option, provide testing contractors with a more standardized application of the method, improve the precision of the method, and quantify more accurately direct PM emission to the ambient air.

The proposed changes to the sampling train of this method include:

- Installing a condenser between the filter in the front-half of the sample train and the first impinger to cool the sample gases to ambient temperature (less than 30 ^{o}C);
- Installing a recirculation pump in the ambient water bath to supply cooling water to the condenser;
- Changing the first two impingers from wet to dry, and placing these two dry impingers in a water bath at

ambient temperature (less than 30 °C) (the first dry impinger will use a short-stem insert, and the second dry impinger will use a long-stem insert);

- Requiring the use of an out-of-stack, low-temperature filter (i.e., the CPM filter), as described in EPA Method 8, between the second and third impingers (a Teflon filter is used in place of the fiberglass filter described in EPA Method 8); and
- Requiring that the temperature of the sample gas drawn through the CPM filter be maintained at ambient temperature (less than 30 °C).

It should be noted that under Method 202, the use of a CPM filter is an optional procedure that is used typically if the collection efficiency of the impinger is suspected to be low. These proposed amendments would make the use of a CPM filter a required procedure.

The proposed changes to Method 202 include:

- Extracting the CPM filter with water and organic solvent;
- Evaporating the liquid collected in the impingers in an oven or on a hot plate down to a minimum volume of 10 milliliters, instead of all the way to dryness;
- Evaporating the remaining liquid to dryness at ambient

temperature prior to neutralization with ammonium hydroxide;

- Titrating the reconstituted residue with 0.1 normal ammonium hydroxide and a pH meter;
- Evaporating the neutralized liquid to a minimum volume of 10 milliliters in an oven or hot plate;
- Evaporating the final volume to dryness at ambient temperature; and
- Weighing the CPM sample residue to constant weight after allowing a minimum of 24 hours for equilibration in a desiccator.

Note that the requirements to evaporate liquids at ambient temperature and to titrate the reconstituted liquid exist already as options under this method. These optional steps are typically performed to retain CPM that might be lost at higher evaporation temperatures. Under these proposed amendments, these options would be required procedures.

C. How Will the Proposed Amendments to Methods 201A and 202 Affect Existing Emission Inventories, Emission Standards, and Permit Programs?

We anticipate that, over time, the changes in the test methods proposed in this action will result in, among other positive outcomes, more accurate emissions inventories of direct PM emissions and emissions standards that are more

indicative of the actual impact of the source on the ambient air quality.

Accurate emission inventories are critical for regulatory agencies to develop the control strategies and demonstrations necessary to attain air quality standards. If implemented, the proposed test method revisions would have the potential to improve our understanding of PM emissions due to the increased availability of more accurate emission tests and, eventually, through the incorporation of less biased test data into existing emissions factors. For CPM, the use of the proposed method would likely reveal a reduced level of CPM emissions from a source compared to the emissions that would have been measured using Method 202, as typically performed. However, there may be some cases where the proposed test method would reveal an increased level of CPM emissions from a source, depending on the relative emissions of filterable and CPM emissions from the source. For example, the existing Method 202 allows complete evaporation of the water containing inorganic PM at 105°C (221 °F), where the proposed revision requires the last 10 ml of the water to be evaporated at room temperature (not to exceed 30°C (85°F)) thereby retaining the CPM that would evaporate at the increased temperature.

Prior to our adoption of the 1997 $PM_{2.5}$ NAAQS, several State and local air pollution control agencies had developed emission inventories that included CPM. Additionally, some agencies established enforceable CPM emissions limits or otherwise required that PM emissions testing include measurement of CPM. While this approach was viable in cases where the same test method was used to develop the CPM regulatory limits and to demonstrate facility compliance, there are substantial inconsistencies within and between States regarding the completeness and accuracy of CPM emission inventories and the test methods used to measure CPM emissions and to demonstrate facility compliance.

These amendments would serve to mitigate the potential difficulties that can arise when we and other regulatory entities attempt to use the test data from State and local agencies whose CPM test methods are inconsistent to develop emission factors, determine program applicability, or to establish emissions limits for CPM emission sources within a particular jurisdiction. For example, problems can arise when the test method used to develop a CPM emission limit is not the same as the test method specified in the rule for demonstrating compliance because the different test methods may quantify different components of PM (e.g.,

filterable versus condensable). Also, when emissions from State inventories are modeled to assess compliance with the NAAQS, the determination of direct PM emissions may be biased high or low, depending on the test methods used to estimate PM emissions, and the atmospheric conversion of SO_2 to sulfates (or SO_3) may be inaccurate or double-counted. Additionally, some State and local regulatory authorities have assumed that EPA Method 5 of Appendix A-3 to 40 CFR Part 60 (Determination of Particulate Matter Emissions from Stationary Sources) provides a reasonable estimate of PM_{10} emissions. This assumption is incorrect because Method 5 does not provide particle sizing of the filterable component and does not quantify particulate caught in the impinger portion of the sampling train. Similar assumptions for measurements of $PM_{2.5}$ will result in greater inaccuracies.

With regard to State permitting programs, we recognize that, in some cases, existing Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER), or Reasonably Available Control Technology (RACT) limits have been based on an identified control technology, and that the data used to determine the performance of that technology and establish the limits may have focused on filterable PM and thus did not completely characterize PM

emissions to the ambient air. While the source test methods used by State programs that developed the applicable permit limit may not have fully characterized the PM emissions, we have no information that would indicate that the test methods are inappropriate indicators of the control technologies' performance for the portion of PM emissions that was addressed by the applicable requirement. As promulgated in the Clean Air Fine Particle Implementation Rule, after January 1, 2011, States are required to consider inclusion of CPM emissions in new or revised emissions limits which they establish. We will defer to the individual State's judgment as to whether, and at what time, it is appropriate to revise existing facility emission limits or operating permits to incorporate information from the revised CPM test method when it is promulgated.

With regard to operating permits, the Title V permit program does not generally impose new substantive air quality control requirements. In general, once emissions limits are established as CAA requirements under the SIP or a SIP-approved pre-construction review permit, they are included in the Title V permits. Obviously, Title V permits may have to be updated to reflect any revision of existing emission limits or new emission limits created in

the context of the underlying applicable requirements. Also, if a permit contains the previously promulgated test methods, it is not a given that the permit would always have to be revised should these test methods changes be finalized (e.g., where test methods are incorporated into existing permits through incorporation by reference, no permit terms or conditions would necessarily have to change to reflect changes to those test methods). In any event, the need for action in the permitting context due to these proposed changes to the test methods would be controlled by several factors, such as the exact wording of the existing operating permit, the requirements of the EPA-approved SIP, and any changes that may be made to pre-construction review permits with respect to a particular source test method that did not include CPM or on a set of procedures in Method 202 which underestimated emissions.

In recognition of these issues, the Clean Air Fine Particle Implementation Rule contains provisions establishing a transition period for developing emission limits for condensable direct $PM_{2.5}$ that are needed to demonstrate attainment of the $PM_{2.5}$ NAAQS. As discussed in the April 25, 2007, Clean Air Fine Particle Implementation Rule (72 FR 20586) and in the May 16, 2008, promulgation of the New Source Review Program Implementation for fine

particulate matter(73 FR 28321), the transition period, which ends January 1, 2011, allows time to resolve and adopt appropriate testing procedures for CPM emissions and to collect total primary (filterable and condensable) $PM_{2.5}$ emissions data that are more representative of the emissions of each source in their areas. In the $PM_{2.5}$ NSR Implementation Rule, we stated that as part of this test methods rulemaking, we would "take comment on an earlier closing date for the transition period in the NSR program if we are on track to meet our expectation to complete the test method rule much earlier than January 1, 2011." See 73 FR at 28344. Accordingly, we are hereby soliciting comments on ending the NSR transition period for CPM on a date 60 to 90 days after the promulgation date of this test methods rulemaking.

During the transition period, we are available to provide technical support to States, as requested, in establishing emissions testing requirements. We will also solicit the involvement of interested stakeholders to collect new direct filterable and CPM emissions data using methodologies that provide more representative data of a source's direct $PM_{2.5}$ emissions. These data will be used by us, States, and others to improve emissions factors and to help establish or revise source emissions limits in

implementation plans. The transition period will also provide time for additional method evaluations. During the transition period, we expect that some States will continue to develop more complete inventories of direct $PM_{2.5}$ emissions, particularly for CPM. As needed to demonstrate attainment of the PM NAAQS, we also expect States to address the control of direct $PM_{2.5}$ emissions, including CPM, with any new actions taken after January 1, 2011 and to address CPM emissions in any direct $PM_{2.5}$ regulations or limits developed under any new PM NAAQS.

As with other methods, any new procedures approved by us will produce data that will be incorporated into the tools (e.g., emission factors, emission inventories, air quality modeling) used to assess the attainment of air quality standards. However, we do not believe that it is necessary to update continually the assessment tools or revise previous air quality analyses until evidence is presented that a mid-course corrective action is needed to achieve the air quality standards (a mid-course review is required by April 2011 for each area with an approved attainment date in 2014 or 2015). At that time, updated inventories and air quality models may be needed to identify and characterize the emission sources that are impeding adequate progress towards attaining the air

quality standards. Additionally, the new test data could be used to improve the applicability and performance evaluations of various control technologies.

D. Request for Comments

We encourage stakeholders to continue to participate in the process to refine Methods 201A and 202. We are requesting public comments on all aspects of the proposed test methods. EPA has already engaged several stakeholder groups as described in Section II.C of this preamble. Stakeholders and other members of the public who have not yet participated are encouraged to submit comments. EPA is soliciting as many constructive comments as possible in order to make the most appropriate changes to the methods.

We are specifically interested in recommended alternatives to replace what we have proposed. When submitting comments on alternative approaches, please submit supporting information to substantiate the improvements that are achieved with your recommendation. For recommended changes to the procedures, include supporting technical data and any associated cost information. For example, if you are proposing an alternative procedure, include data or information that would demonstrate how the alternative procedure would equal or improve the bias and precision of the proposed methods.

In addition, provide data or cost information that would show the cost implications to testing companies and analytical laboratories of implementing the alternative procedure. Although our request for comments is not limited to these items, the following are examples of items for which we are specifically requesting comment.

1. Items Associated with Both Test Methods.

The proposed test methods are based upon EPA's assessment of comments made on the Clean Air Fine Particle Implementation Rule (April 25, 2007, 70 FR 20586). Commenters expressed that there is an overarching need for test methods that are unbiased with respect to primary particulate matter emissions to the atmosphere and that the test methods must provide a high degree of consistency (precision) in these measurements. As a result, we reduced the numerous options and alternative procedures in the existing methods to a single set of prescriptive procedures that already existed within the methods. In addition, we made a few minor changes to reduce further the bias caused by sulfate artifacts. We are requesting comments on the specific set of procedures we have proposed and any replacement procedures that would be less demanding but that would achieve or improve bias and precision. We are also requesting comments on our decision to eliminate

options or alternatives within the existing methods that may not achieve comparable results. If we were to consider alternative procedures that may not achieve comparable results, then what level of difference would be acceptable?

2. Items Associated with Method 201A.

Regarding this proposed method, stakeholders have commented on the sample duration that would be required to collect a weighable mass. EPA is requesting comments on alternative methodologies or hardware that would reduce the sample duration in order to reach a reasonable detection limit or to demonstrate that emissions are below the regulatory limit. Commenters should provide information or data, including cost information, which supports their recommendation.

Stakeholders have expressed concern about the configuration and size of the proposed sampling train. Specifically, commenters have expressed concern that the size and length of the combined PM_{10} cyclone and the $PM_{2.5}$ cyclone and filter require larger port opening(s) and a very large stack cross section to minimize blockage. In addition, stakeholders have stated that it is difficult to maintain stack temperature in the sampling train. Therefore, EPA requests comments on alternatives to the proposed procedures or hardware. EPA requests comments on

alternative procedures or configurations that would reduce the blockage. EPA also requests comments on alternative configurations that would allow testers to maintain stack temperature in the sampling train, thus reducing or eliminating condensation in the primary or filterable particulate portions of the method. Recommendations to revise the sampling train size or configuration should include an assessment of the impacts of the recommended revisions on the sample size, required sample duration, and ability to collect a representative sample. Commenters should provide information or data, including cost information that supports their recommendation.

3. Items Associated with Method 202.

Stakeholders originally expressed concern about the formation of artifacts in Method 202 when sulfur dioxide was present in the stack gas. Based on laboratory experiments, the proposed revision to Method 202 eliminates at least an additional 90 percent of the artifact over the best practices procedures of the existing Method 202. In addition, the laboratory experiments show that the proposed revision to Method 202 reduces artifact at or below the detection limits of the method. EPA requests comments on any further concerns with the formation of artifacts in the proposed method.

Stakeholders have expressed concern about glassware cleaning. Specifically, stakeholders have questioned the requirement to bake glassware at 300° Celsius for 6 hours prior to use in order to reduce the background level of CPM. Stakeholders have stated that many stack testing firms and some analytical laboratories may not have ovens that can achieve this temperature. EPA requests information on the performance of a lower temperature oven in effectively reducing the blank level of CPM.

Another stakeholder concern is whether glassware needs to be completely cleaned between sampling runs. The proposed method requires clean glassware at the start of each new source category test. EPA requests comments on alternatives that would minimize the cost of glassware preparation and reduce bias due to carryover from tests at the same source category and between source categories. Commenters should submit data or information to demonstrate that their alternative procedure would reduce or minimize the carryover or blank and would minimize the cost to prepare glassware.

Stakeholders expressed concern about the need for Method 202 following filtration at less than 30° Celsius (85° Fahrenheit). EPA requests comments on how to clarify when Method 202 is or is not required.

Stakeholders have expressed concern about the appropriate type of CPM filter required by the proposed method. EPA requests comments on the construction material and porosity of the filter. Commenters should address the capture efficiency required by the method (i.e., the filter must have an efficiency of at least 99.95 percent (<0.05 percent penetration) on 0.3 micron particles). Commenters should include how their alternative would minimize the blank contribution from the filters.

Commenters have expressed concern about the additional analytical steps required to process the CPM filter. The proposed method requires extraction and combination of the filter extract with the appropriate impinger samples to accurately collect and measure sulfuric acid and other condensable material. Commenters should address alternative procedures for CPM filter analysis that would generate precise and unbiased analysis of CPM collected on the CPM filter.

Stakeholders have expressed concern about maintaining the stack gas flow through the Teflon® membrane filter. Stakeholders have commented on their need to use a supplementary support filter to maintain flow through the sample filter. EPA requests comments regarding the use of a support filter that would help maintain stack gas flow

while minimizing or eliminating the support filter's contribution to the sample mass. EPA requests comments on the use of this alternative and its potential impact on bias and precision, as well as its potential impact on cost.

IV. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this proposed action is a "significant regulatory action" since it raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Accordingly, EPA submitted this proposed action to the Office of Management and Budget (OMB) for review under Executive Order 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. Burden is defined at 5 C.F.R. §1320.3(b). The proposed amendments do not contain any reporting or recordkeeping requirements. The proposed amendments revise two existing source test methods

to allow one method to perform additional particle sizing at 2.5 micrometers and to improve the precision and accuracy of the other test method.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this rule on small entities, small entity is defined as: (1) a small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this

proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. We do not anticipate that the proposed changes to Methods 201A and 202 will result in a significant economic impact on small entities. Most of the emission sources that will be required by State regulatory agencies (and Federal regulators after 2011) to conduct tests using the revised methods are those that have PM emissions of 100 tons per year or more. EPA expects that few, if any, of these emission sources will be small entities.

Although this proposed rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless has tried to reduce the impact of this rule on small entities. In this preamble, we explained that this rule does not require any entities to use these proposed test methods. Such a requirement would be mandated by a separate independent regulatory action. We indicated that upon promulgation of this rule, some entities may be required to use these test methods as a result of existing permits or regulations. Since the cost to use the proposed test methods is comparable to the cost of the methods they replace, little or no significant economic impact to small entities will accompany the

increased precision and accuracy of the revised test methods which are proposed. We also indicated that after January 1, 2011, when the transition period established in the Clean Air Fine Particle Implementation Rule expires, States are required to consider inclusion of pollutants measured by these test methods in new or revised regulations. The economic impacts caused by any new or revised State regulations for fine PM would be associated with those State rules and not with this proposal to modify the existing test methods. Consequently, we believe that this rule imposes little if any adverse economic impact to small entities. However, we continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

This rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The incremental costs associated with conducting the revised test methods (expected to be less than $1,000 per test) do not impose a significant burden on sources. Thus, this rule is not subject to the requirements of sections 202 and 205 of the

UMRA.

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. The low incremental cost associated with the revised test methods mitigates any significant or unique effects on small governments.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled “Federalism” (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 cases where a source of $PM_{2.5}$ emissions is owned by a State or local government, those governments may incur a minimal compliance costs associated with conducting tests to quantify $PM_{2.5}$ emissions using the revised methods when they are promulgated. However, such tests would be conducted at the discretion of the State or local government and the compliance costs are not expected to impose a significant burden on those governments. Thus, Executive Order 13132 does not apply to this rule.

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 on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). In cases where a source of $PM_{2.5}$ emissions is owned by a tribal government, those governments may incur minimal compliance costs associated with conducting tests to quantify $PM_{2.5}$ emissions using the revised methods when they are promulgated. However, such tests would be

conducted at the discretion of the tribal government and the compliance costs are not expected to impose a significant burden on those governments. Thus, Executive Order 13175 does not apply to this action.

EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets EO 13045 (62 F.R. 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5-501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a "significant energy action" as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This rule revises existing EPA test methods and does not affect energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law No. 104-113 (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The rulemaking involves technical standards. Therefore, the Agency conducted a search to identify potentially applicable voluntary consensus standards. However, we identified no such standards, and none were brought to our attention in comments. Therefore, EPA has decided to amend portions of existing EPA test methods. While no comprehensive source test methods were identified, EPA identified two VCS which were applicable for use within the amended test methods. The first VCS cited in this proposal is American Society for Testing and Materials (ASTM) Method D2986-95a(1999), "Standard Method for

Evaluation of Air, Assay Media by the Monodisperse DOP (Dioctyl Phthalate) Smoke Test," for its procedures to conduct filter efficiency tests. The second VCS cited in this proposed rule is ASTM D1193-06, "Standard Specification for Reagent Water," for the proper selection of distilled ultra-filtered water. These VCS are available from the American Society for Testing and Materials, 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959.

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable VCS and to explain why such standards should be used in this regulation.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629, February 16, 1994) 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 United States.

EPA has determined this the proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The proposed amendments revise existing test methods to improve the accuracies of the measurements which are expected to improve environmental quality and reduce health risks for areas that may be designated as nonattainment.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen oxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur compounds, Volatile organic compounds.

Dated: March 16, 2009.

Lisa P. Jackson,
Administrator.