



August 25, 2023

Via eRulemaking Portal (<http://www.regulations.gov>)

U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2022-0879

Re: Comments of American Municipal Power, Inc. on National Emission Standards for Hazardous Air Pollutants: Reciprocating Internal Combustion Engines and New Source Performance Standards: Internal Combustion Engines; Electronic Reporting – Proposed Rule, 88 Fed. Reg. 41361 (June 26, 2023).

Dear Administrator Regan and Agency Staff:

In response to the Proposed Rule referenced above, American Municipal Power, Inc. (“AMP”) hereby submits for the record the following comments. The Proposed Rule would require mandatory electronic reporting of operating and emission data in place of the traditional paper-based notification and report submittal processes. Owners and operators of minor sources, including area sources of Hazardous Air Pollutants (“HAP”), however, may lack the resources and expertise to comply with these electronic reporting requirements. AMP therefore requests that the Environmental Protection Agency (“EPA”) amend the Proposed Rule to provide that mandatory electronic reporting apply only to major emitting sources and that paper submittals remain available as a reporting option for minor sources, as discussed further herein.

I. Background

AMP is the nonprofit wholesale power supplier and services provider for 132 member municipalities in the states of Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia, and West Virginia; as well as the Delaware Municipal Electric Corporation, a joint action agency with eight Delaware municipal members. AMP’s

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MARYLAND BERLIN **MICHIGAN** CLINTON • COLDWATER • HILLSDALE • MARSHALL • UNION CITY • WYANDOTTE **OHIO** AMHERST • ARCADIA • ARCANUM • BATAVIA • BEACH CITY
BLANCHESTER • BLOOMDALE • BOWLING GREEN • BRADNER • BREWSTER • BRYAN • CAREY • CELINA • CLEVELAND • CLYDE • COLUMBIANA • COLUMBUS • CUSTAR • CUYAHOGA FALLS
CYGNET • DESHLER • DOVER • EDGERTON • ELDORADO • ELMORE • GALION • GENOA • GEORGETOWN • GLOUSTER • GRAFTON • GREENWICH • HAMILTON • HASKINS • HOLIDAY CITY
HUBBARD • HUDSON • HURON • JACKSON • JACKSON CENTER • LAKEVIEW • LEBANON • LODI • LUCAS • MARSHALLVILLE • MENDON • MILAN • MINSTER • MONROEVILLE
MONTPELIER • NAPOLEON • NEW BREMEN • NEW KNOXVILLE • NEWTON FALLS • NILES • OAK HARBOR • OBERLIN • OHIO CITY • ORRVILLE • PAINESVILLE • PEMBERVILLE • PIONEER
PIQUA • PLYMOUTH • PROSPECT • REPUBLIC • SEVILLE • SHELBY • SHILOH • SOUTH VIENNA • ST. CLAIRSVILLE • ST. MARYS • SYCAMORE • TIPP CITY • TOLEDO • TONTOGANY
VERSAILLES • WADSWORTH WAPAKONETA • WAYNESFIELD • WELLINGTON • WESTERVILLE • WHARTON • WOODSFIELD • WOODVILLE • YELLOW SPRINGS **PENNSYLVANIA** BERLIN
BLAKELY • CATAWISSA • DUNCANNON • EAST CONEMAUGH • ELLWOOD CITY • EPHRATA • GIRARD • GOLDSBORO • GROVE CITY • HATFIELD • HOOVERVILLE • KUTZTOWN • LANSDALE
LEHIGHTON • LEWISBERRY • MIFFLINBURG • NEW WILMINGTON • PERKASIE • QUAKERTOWN • ROYALTON • SAINT CLAIR • SCHUYLKILL HAVEN • SMETHPORT • SUMMERHILL
WAMPUM • WATSONTOWN • WEATHERLY • ZELIENOPLE **VIRGINIA** BEDFORD • DANVILLE • FRONT ROYAL • MARTINSVILLE • RICHLANDS **WEST VIRGINIA** NEW MARTINSVILLE • PHILIPPI

members own and operate municipal electric systems and collectively serve approximately 650,000 residential, commercial, and industrial customers with a system peak of more than 3,400 megawatts (“MW”). AMP’s core mission is to be public power’s leader in wholesale energy supply and value-added member services. AMP offers its members’ municipal electric systems the benefits of scale and expertise in providing and managing energy services.

AMP and our Members own and operate multiple small diesel and natural gas peaking units that generally operate less than one-hundred hours per year and are tested every three years to verify that emissions meet the requirements of applicable standards. These units are Reciprocating Internal Combustion Engines (“RICE”) that may be subject to National Emission Standards for Hazardous Air Pollutants (“NESHAP”),¹ and Stationary Compression Ignition (“CI”) or Spark Ignition Internal Combustion Engines that may be subject to New Source Performance Standards (“NSPS”).² Accordingly, it appears that the Proposed Rule could subject these smaller units to mandatory electronic reporting requirements.

II. Comments

- a. **The Final Rule should provide that mandatory electronic reporting applies only to major emitting sources and that paper submittals remain available as a reporting option for minor sources.**

AMP agrees that submittal of electronic notifications and reports for engines located at major emitting stationary sources is appropriate. Major emitting sources, including major sources of HAP emissions, are generally owned and operated by larger entities. These larger organizations are more likely to have available staff with sufficient information technology resources to manage the proposed electronic submittals. Minor sources, however, including area sources of HAP emissions, are often owned and operated by smaller entities. These smaller organizations may not have the staff or expertise to create and manage the required Central Data Exchange accounts or use the specialized XML files and database applications needed to prepare the required submittals.

AMP supports electronic reporting of operating and emission data as an option in addition to traditional paper-based notification and report submittal processes. Organizations like AMP can implement and manage federal electronic reporting requirements because they have sufficient staff with expertise in environmental compliance and information technology, along with management support. AMP’s municipal members include many small rural communities that typically do not have this level of staffing or expertise, making the proposed electronic reporting regime more challenging. It is likely that these AMP members would have to rely on AMP or another

¹ 40 C.F.R. pt. 63, subpart ZZZZ.

² 40 C.F.R. pt. 60, subpart IIII or subpart JJJJ.

third-party to provide reporting services. These reporting service costs are not accounted for in EPA's burden analysis, as discussed next.

b. EPA failed to evaluate the specific impacts of the Proposed Rule on small source owners and operators, including municipal electric departments.

Requiring electronic reporting for small sources will be a significant administrative burden on AMP members with little corresponding environmental benefit, as these sources typically emit less than two tons total of pollutants annually. EPA evaluated the overall burden on average for affected owners and operators. EPA, however, failed to evaluate the impact of the proposed changes specifically as applied to small sources, including those owned and operated by municipal electric departments. Instead, EPA merely assumed away these impacts: "For purposes of this [Information Collection Request], it is assumed that there is no additional burden associated with the proposed requirement for respondents to submit the notifications and reports electronically, and in fact it will be a time saving measure for the regulated community to do so versus submitting them in paper form."³

In addition, the burden estimates in Table 1 of the Supporting Statement do not explicitly include the required annual continuous parametric monitoring systems audits (typically at a cost of approximately \$1,000 per engine) and the emission testing required every three years for non-emergency engines located at area sources.⁴ Furthermore, the costs associated with the electronic submittals for these compliance activities do not appear to be accounted for. Finally, EPA provides no support or justification for the assumption that electronic reporting results in a labor savings of 50% when compared with the status quo paper submittal process.⁵

³ EPA, Supporting Statement, EPA-HQ-OAR-2022-0879-0008, at 8 (June 26, 2023).

⁴ See *id.* at 18.

⁵ See *id.* at 20 note j.

III. Conclusion

For the reasons set forth herein, EPA has not demonstrated that the benefits of the mandatory electronic reporting requirements in the Proposed Rule, as applied to small sources, outweigh the burdens. Consequently, AMP respectfully requests that the Final Rule require mandatory electronic reporting only for major emitting sources and that paper submittals remain available as a reporting option for minor sources. In addition, AMP supports comments provided by the American Public Power Association (APPA) encouraging EPA to retain rule provisions allowing emergency engines to operate up to 50 hours per year for non-emergency purposes ("50-hour provision"). We thank EPA for this opportunity to provide input on these important matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adam Ward". The signature is fluid and cursive, with the first name "Adam" and last name "Ward" clearly distinguishable.

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