

September 2, 2016

Ms. Cynthia Giles, Assistant Administrator, Office of Enforcement and Compliance Assurance (OECA)
Ms. Janet McCabe, Acting Assistant Administrator, Office of Air and Radiation (OAR)
U.S. Environmental Protection Agency (EPA)
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Enforcement and Compliance History Online (ECHO) Data Display Concerns

Dear Ms. Giles and Ms. McCabe:

The Association of Air Pollution Control Agencies (AAPCA)¹ appreciates the opportunity to provide feedback to OAR and OECA regarding member concerns about the display of Clean Air Act (CAA) compliance information in ECHO. In particular, AAPCA agencies are troubled that ECHO only presents a facility's recent CAA compliance status as In Violation/noncompliance, Significant Violation/serious noncompliance or "Unknown/Not Available" for facilities across the United States. We understand significant time and effort has been devoted to transition ECHO to display CAA stationary source data from the modernized ICIS-Air, rather than the Air Facility System (AFS), over the last two years. AAPCA and its member agencies look forward to working with your offices to collaboratively correct this issue. Prompt action will ensure that accurate, transparent compliance and enforcement information is available for use by the public our agencies serve.

As you know, ECHO was created in order to provide transparent, public information. The main ECHO site states: "Use EPA's Enforcement and Compliance History Online website to search for facilities in your community to assess their compliance with environmental regulations. You can also investigate pollution sources, examine and create enforcement-related maps, or explore your state's performance."² AAPCA is concerned that the current ECHO CAA displays, which lack updated air agency data or context, could mislead the public looking to ECHO for these purposes.

As ECHO has transitioned to ICIS-Air, reports for CAA facilities either indicate some form of violation or that the compliance status is not available. EPA's website on how the ICIS-Air transition affects ECHO data displays notes that "ECHO does not display the duration of violations" and "due to differences in how ICIS-Air tracks compliance status, ECHO is no longer able to take compliance status snapshots."³ Prior to the AFS being taken offline in October 2014, CAA facilities were shown as "No Violation" or "In Violation." Since that time, EPA has claimed there is insufficient data to identify the facilities as "No Violation" or, alternatively, "In Compliance." As a result, ECHO identifies CAA facilities as "Unknown/Not Available" or in noncompliance for a quarter-year or longer period of time.

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. Twenty state environmental agencies currently sit on AAPCA's Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments. You can find more information about AAPCA at: <http://www.cleanairact.org>.

² <https://echo.epa.gov/>.

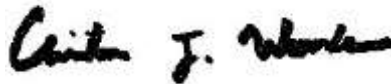
³ <https://echo.epa.gov/resources/general-info/echo-faq/air-data-system>.

State and local air agencies expend substantial resources and time collecting data to accurately represent CAA facility status. We understand that your offices are working to correct this issue. In the meantime, AAPCA requests that ECHO display “In Compliance” for the quarter, instead of “Unknown/Not Available,” for CAA facilities in which there is an absence of data indicating a violation. AAPCA also believes that the public should be able to accurately view the duration of non-compliance, and that ECHO should be updated to provide more detailed results rather than the presentation of quarterly or semi-annual bands of noncompliance for minor procedural violations.

EPA has indicated to AAPCA and its members that the ICIS-Air to ECHO data stream does not contain a compliance status element to allow EPA sufficient data to definitely state that a facility is “In Compliance.” However, air agencies that collect and steward this data may disagree. EPA’s choice to display this information as “Unknown/Not Available” or with other visual markers could be adjusted with minor formatting and textual changes; updates that should be easily accommodated within ECHO. While these updates are being made, EPA should also consider incorporating a prominent disclaimer on the ECHO website template to explain why CAA facility data may be displayed as “Unknown/Not Available” since October 2014.

Thank you for your attention to these comments. If you have any questions, please contact cwoods@csg.org or (859) 244-8040.

Sincerely,



Clinton J. Woods, Executive Director
AAPCA