

November 18, 2015

Rafael Sanchez
USEPA Headquarters
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Mail Code: 2227A
Washington, DC 20460

Dear Mr. Sanchez:

The Northeast States for Coordinated Air Use Management (NESCAUM) is requesting clarification on several issues regarding certification by New York State that EPA deems certified under Step 1 of the New Source Performance Standards (NSPS) for Residential Wood Heaters. This is relevant to other NESCAUM states because the NSPS allows New York state review processes to be qualified nationally but questions have arisen regarding data submission, test methods and reporting since the State program requirements do not directly match the federal program.

Test Method

New York State currently has several wood-fired hydronic heating appliances certified using EPA Test Method 28-OWHH that have not been certified using the newer Test Method 28-WHH developed under the 2011 EPA hydronic heater partnership agreement. According to 40 CFR § 60.5475(a)(3), hydronic heaters qualified as meeting the Phase 2 emission levels under the newer Test Method 28-WHH are automatically deemed to have a certificate of compliance for the 2015 particulate matter emission standards. The certificate would remain valid until the effective date for the 2020 particulate matter emission standards. EPA, however, clearly articulated that units tested with Method 28-OWHH would not be certified under the federal voluntary program for Step 1 certification. It is our interpretation that models certified by New York State with Test Method 28-OWHH also do not qualify for Step 1 certification and will need to be retested using a test method cited in 40 CFR 60, Subpart QQQQ even if their New York State certification is still valid. Please confirm that this is an appropriate interpretation of the rule requirements.

Alternative Test Methods

It is our understanding that if New York State continues to certify hydronic heaters, those units will be deemed as certified for Step 1 compliance with the NSPS for Residential Wood Heaters. Under New York State Department of Environmental Conservation's (NYSDEC's) rule, the agency has the capacity to review and accept alternative test methods. Will EPA approve units certified by NYSDEC using alternative methods or will it only certify units tested using one of the methods listed in 40 CFR 60 Subpart QQQQ? If New York State is allowed to use alternative methods, does there need to be a pathway to coordinate alternative test method approval with EPA or is New York State's review process sufficient?

Reporting

We would like to confirm that certification under any process identified in 40 CFR §60.5475(a) still must comply with reporting requirements detailed in 40 CFR §60.5475(b) even if the non-EPA certifying agency does not require this type of reporting for certification review. We strongly believe that in order to ensure common reporting, all units must meet rule reporting and timeline requirements.

The NESCAUM states would be happy to meet with EPA on these and other issues related to implementation of this rule. I look forward to hearing from you in the near future regarding a path forward.

Sincerely,



Lisa Rector

Cc: Julius Banks, US EPA OECA
John Barnes, NYS DEC
Adam Baumgart-Getz, US EPA OAQPS
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