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August 10, 2016

U.S. Environmental Protection Agency
Air and Radiation Docket and Information Center
Docket ID No. EPA-HQ-OAR-2015-0531
Mail Code: 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam;

The National Association of Clean Air Agencies (NACAA) appreciates this opportunity to comment on the U.S. Environmental Protection Agency's (EPA) May 4, 2016 regulatory proposal (81 Fed. Reg. 26,941) to revise the Regional Haze Rule. NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 41 states, the District of Columbia, four territories and 116 metropolitan areas. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

EPA's 1999 Regional Haze Rule (RHR) was adopted to implement the Clean Air Act's commitment of clear, natural views in our nation's 156 Class 1 areas – our beautiful National Parks, Monuments, Forests, Seashores, Wilderness Areas and Wildlife Refuges – with the goal of eliminating anthropogenic visibility impairment in these areas by 2064. To do so, the RHR requires states to put in place enforceable State Implementation Plans (SIPs) to limit visibility-impairing emissions from power plants, industrial facilities and other key sources. To date, EPA's RHR has resulted in reductions in sulfur dioxide emissions of 785,000 tons and in nitrogen oxide emissions of 420,000 tons and has yielded, in the form of ancillary benefits, a reduction in carbon dioxide emissions of over 52 million metric tons.

NACAA supports the goals of the RHR as well as EPA's intention in this proposal to "streamline, strengthen, and clarify aspects of the agency's regional haze program." In particular, we offer comments on the following proposed revisions.

Extension of Next Regional Haze SIP Deadline from 2018 to 2021

NACAA supports EPA's proposal to amend the RHR to extend the compliance deadline for submitting the next (second) periodic comprehensive regional haze SIP revisions by three years, from July 31, 2018 to July 31, 2021. This one-time adjustment to the schedule would not affect the 2028 end date for implementing control measures for the second planning period, the July 31, 2028 due date for the periodic comprehensive SIP revisions for the third planning period or the requirement that subsequent periodic comprehensive SIP revisions be submitted every 10 years thereafter. We further support EPA's proposal to allow states to retain the option of submitting second planning period SIP revisions before the new deadline of July 31, 2021 and recommend that EPA include in the final rule provisions that would allow those that submit SIP revisions by a certain earlier date to adhere to the current SIP content requirements rather than the revised requirements under § 51.308 (i.e., "grandfather" SIP revisions submitted by an identified earlier date).

Changes to the Requirement that Regional Haze Progress Reports Be SIP Revisions

NACAA fully endorses EPA's proposal to amend the RHR to allow that regional haze progress reports need not be in the form of a SIP revision, as is currently required, nor receive formal approval or disapproval by EPA. NACAA appreciates EPA noting that the 1999 RHR rule specifically states that the agency "intends for progress reports to involve significantly less effort than a comprehensive SIP revision." We agree with EPA's acknowledgment that the progress reports are informational documents that fulfill interim reporting requirements and need not be subject to the time-consuming and resource-intensive procedural and administrative requirements of a SIP revision.

Changes to Reasonably Attributable Visibility Impairment Provisions

EPA proposes to retain and largely overhaul the RHR provisions related to reasonably attributable visibility impairment (RAVI). NACAA agrees with the agency's assessment that the RAVI provisions, originally established in 1980 and integrated into the 1999 RHR, are confusing and outdated with many requirements that overlap with or are duplicative of requirements of the RHR. In short, NACAA believes the RAVI provisions have outlived their useful life and are no longer necessary given the scope of the RHR and the extent to which states must review sources for their SIP revisions. We, therefore, recommend that EPA sunset the RAVI provisions. To the extent Federal Land Managers (FLMs) have concerns that would normally have been addressed through RAVI, such concerns should be raised during the SIP process.

Changes to Federal Land Manager Consultation Requirements

EPA proposes to require that states consult with FLMs regarding progress reports (in addition to consulting on SIP revisions). NACAA finds the parameters of these requirements, as provided in § 51.308(i)(2) of the rule, to be unclear and confusing. In addition, because public hearing and public comment period requirements vary from state to state, it would be difficult to determine when the "the clock" EPA seeks to establish would start. Instead, NACAA recommends that the state consultation with FLMs begin at least 180 days before a SIP revision or progress report is submitted. This would provide time for discussion prior to draft reviews and enable the state to consider and respond to FLM's comments as required by § 51.308(i)(3).

Changes to Definitions and Terminology Related to How Days Are Selected for Tracking Progress

NACAA supports EPA's "alternative proposal" to allow each state with a Class I area to select between two options for determining visibility conditions: 1) using the 20 percent haziest days (whether dominated by natural or anthropogenic impacts), which is the current metric, or 2) using the 20 percent most anthropogenically impaired days.

EPA's current RHR requires states to determine visibility conditions (in deciviews) for the average of the 20 percent least impaired and 20 percent most impaired visibility days over a specified time at each Class I area. The regulatory language defines visibility impairment as the "humanly perceptible change in visibility...from that which would have existed under natural conditions," suggesting that only visibility impacts from anthropogenic sources be considered when determining the degree to which visibility is impaired. However, in the current rule's preamble, EPA states the least and most impaired days are to be those monitored days with the lowest and highest actual deciview levels, which would also include impairment caused by emissions from uncontrollable natural sources. This interpretation was carried over into EPA guidance on setting reasonable progress goals and tracking progress. States and EPA subsequently followed this approach to develop and approve SIPs for the first implementation period. As a result, visibility improvements from reducing anthropogenic emissions were masked and difficult to track in those areas where natural sources caused high deciview levels on the days with the worst haze.

We are pleased EPA is seeking to take action to correct this and believe the two options provided to states in the alternative proposal appropriately recognize that circumstances vary greatly among states, with the haziest days in the West generally being due to wildfires and other natural conditions and the haziest days in the East generally being due to anthropogenic sources.

Wildfires and Other Natural Conditions

NACAA believes that in many states emissions from wildfires and other natural conditions, such as dust storms and volcanos, present a significant concern. Accounting for these natural emissions is an issue worthy of considerable additional attention so that emission sources that can be controlled can be identified and addressed.

Once again, we thank you for this opportunity to provide NACAA's views on the proposed revisions to the RHR. We look forward to working with EPA and other stakeholders on this important issue. If you have any questions, feel free to contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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