



Connecticut

June 23, 2025

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Penobscot Nation

Rhode Island

St. Regis Mohawk Tribe

Vermont

U.S Environmental Protection Agency  
Attention: Docket ID No. EPA-R01-OAR-2025-0142  
*Submitted via <https://www.regulations.gov>*

To Whom It May Concern:

The Mid-Atlantic/Northeast Visibility Union (MANEVU) is pleased to submit comments to the U.S. Environmental Protection Agency (EPA) on its Proposed Rule entitled *Air Plan Approval; Vermont; Regional Haze State Implementation Plan for the Second Implementation Period* [90 Fed. Reg. 22033 (May 23, 2025)]. These comments are the consensus views of the MANEVU non-federal members and are not intended to represent the views of the Tribal members or federal agency partners in MANEVU.

MANEVU supports the EPA's proposal to approve Vermont's regional haze state implementation plan (SIP) revision submitted on July 1, 2024 as satisfying applicable requirements under the Clean Air Act (CAA) and the EPA's Regional Haze Rule (RHR) for the second implementation period of the regional haze program. MANEVU agrees that Vermont's haze SIP revision meets the requirements of CAA sections 169A and 169B and the RHR at 40 CFR 51.308. MANEVU appreciates the EPA's careful evaluation of Vermont's SIP submittal, as well as the constructive input and review that the federal land managers provided to Vermont and the other MANEVU states as they developed their regional haze SIPs. MANEVU notes that reducing haze-forming pollutants improves scenic vistas in our national parks and wilderness areas while also providing other economic, ecosystem and public health co-benefits.

Vermont is a member of the MANEVU Regional Planning Organization and coordinated with MANEVU and its member agencies on the regional approach and technical analyses to develop its long-term strategy for making progress towards the national visibility goal. MANEVU supports the EPA's thorough approach in reviewing Vermont's SIP revision, including its response to each MANEVU Ask. We anticipate the EPA will review other states' responses to the MANEVU Ask in a similar manner, including states outside the MANEVU region, particularly those found by MANEVU's technical analysis to be reasonably anticipated to contribute to visibility impairment at one or more of MANEVU's Class I areas (please see the attachment).

MANEVU recognizes Vermont's significant efforts to reduce visibility-impairing pollutants at MANEVU Class I areas and other nearby Class I areas, and its leadership role within MANEVU in supporting haze SIP

### MANEVU Class I Areas

Acadia National Park  
Maine

Brigantine Wilderness  
New Jersey

Great Gulf Wilderness  
New Hampshire

Lye Brook Wilderness  
Vermont

Moosehorn Wilderness  
Maine

Presidential Range  
Dry River Wilderness  
New Hampshire

Roosevelt Campobello  
International Park  
Maine/New Brunswick,  
Canada

development across the region. As such, we view the EPA’s proposed approval of Vermont’s haze SIP revision as affirmation of MANEVU’s collective work in support of its members’ haze SIPs, and Vermont’s important role in that effort.

While MANEVU supports the EPA’s proposed approval, MANEVU does not support the EPA’s use of the Uniform Rate of Progress (URP) as an extra-statutory criterion in determining “reasonable progress” towards achieving the national visibility goal. Section 169A(g)(1) of the Clean Air Act (CAA) explicitly provides that “in determining reasonable progress there shall be taken into consideration the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements[.]” These are commonly referred to as the “four factors” a state must apply in evaluating potential emission reductions from sources within its borders.<sup>1</sup>

The EPA now invokes an extra-statutory fifth factor, the Uniform Rate of Progress (URP), which it first announced in proposing approval of West Virginia’s regional haze SIP for the second implementation period. [90 Fed. Reg. 16478 (April 18, 2025)] As framed by the EPA, this fifth factor can override a statutory four factor analysis finding that while additional requirements placed on visibility-impairing sources constitute “reasonable progress,” these can be dismissed because the impacted Class I area is below the URP. The CAA statutory text makes no mention of the URP as the deciding factor, or even a factor at all, in determining reasonable progress. This is because the URP is a regulatory, not statutory, construct of EPA’s Regional Haze Rule (RHR) promulgated after CAA section 169A(g)(1) was enacted into law.

Because the URP is a regulatory creation outside the CAA section 169A(g)(1) definition of determining reasonable progress, it is MANEVU’s view that use of the URP as a factor to override a statutory four factor analysis is not permissible. CAA section 169A(g)(1) explicitly defines how to determine reasonable progress, and the EPA has received no authority from Congress to impose an additional overriding regulatory criterion that goes beyond the statutory factors [see, e.g., *Loper Bright Enterprises, et al. v. Raimondo, et al.* 603 U.S. 369 (2024)].

Approval of Vermont’s haze SIP is justified solely on the basis of the four statutory factors without resort to an impermissible fifth factor not found in the statute. We note, and have supported, EPA’s previous proposed approvals of haze SIPs for the second implementation

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<sup>1</sup> “A reasonable progress determination is based on applying the four factors in CAA section 169A(g)(1) to sources of visibility-impairing pollutants that the state has selected to assess for controls for the second implementation period.” [90 Fed. Reg., at 22035]

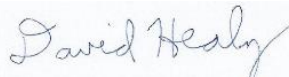
period for Connecticut,<sup>2</sup> Delaware,<sup>3</sup> Massachusetts,<sup>4</sup> New Hampshire,<sup>5</sup> New Jersey,<sup>6</sup> and New York,<sup>7</sup> none of which relied on a URP factor in determining reasonable progress.

If you would like further clarification or discussion on any of these comments, please contact the MANEVU Lead Manager Alexandra Karambelas ([akarambelas@nescaum.org](mailto:akarambelas@nescaum.org)) or the co-chairs of the MANEVU Technical Support Committee, Sharon Davis of the New Jersey Department of Environmental Protection ([sharon.davis@dep.nj.gov](mailto:sharon.davis@dep.nj.gov)) and David Healy of the New Hampshire Department of Environmental Services ([david.s.healy@des.nh.gov](mailto:david.s.healy@des.nh.gov)).

Sincerely,



Sharon Davis, New Jersey Department of Environmental Protection



David Healy, New Hampshire Department of Environmental Services  
Co-Chairs, MANEVU Technical Support Committee (TSC)

cc: MANEVU Directors, MANEVU TSC

Attachment: Listing of states found by MANEVU technical analysis to be reasonably anticipated to contribute to visibility impairment at one or more MANEVU Class I areas

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<sup>2</sup> MANEVU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Regional Haze SIP for the Second Implementation Period, August 16, 2024, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20240816-manevu-comments-epa-approval-ct-rhsip-final.pdf>.

<sup>3</sup> MANEVU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regional Haze SIP for the Second Implementation Period, September 23, 2024, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20240923-manevu-comments-epa-approval-de-rhsip-final.pdf>.

<sup>4</sup> MANEVU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Regional Haze SIP for the Second Implementation Period, February 9, 2024, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20240209-manevu-comments-epa-approval-ma-rhsip-final.pdf>.

<sup>5</sup> MANE-VU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Regional Haze SIP for the Second Implementation Period, December 18, 2023, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20231218-manevu-comments-epa-approval-nh-rhsip-final.pdf>.

<sup>6</sup> MANEVU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Regional Haze SIP for the Second Implementation Period, September 16, 2022, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20220916-manevu-comments-epa-approval-nj-rhsip-final.pdf>.

<sup>7</sup> MANEVU Comments on EPA's Proposed Approval and Promulgation of Air Quality Implementation Plans; New York; Regional Haze SIP for the Second Implementation Period, April 22, 2024, <https://otcair.org/MANEVU/Upload/Publication/Correspondence/20240422-manevu-comments-epa-approval-ny-rhsip-final.pdf>.

**Attachment: Listing of states found by MANEVU technical analysis to be reasonably anticipated to contribute to visibility impairment at one or more MANEVU Class I areas**

<b><u>RPO</u></b>	<b><u>State</u></b>
LADCO	Illinois
	Indiana
	Michigan
	Ohio
SESARM	Alabama
	Florida
	Kentucky
	N. Carolina
	Tennessee
	Virginia
	W. Virginia
CENSARA	Louisiana
	Missouri
	Texas

Source: MANEVU, *Selection of States for MANE-VU Regional Haze Consultation (2018)*,  
MANEVU Technical Support Committee (September 5, 2017),  
<https://otcair.org/manevu/Upload/Publication/Reports/MANE-VU%20Contributing%20State%20Analysis%20Final.pdf>.