



June 25, 2024

Mr. Scott Mathias, Air Quality Policy Division
Office of Air Quality Planning And Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

Attention: Docket ID No. EPA-HQ-OAR-2023-0262

RE: Protection of Visibility: Amendments to Requirements for State Plans Rule

Dear Mr. Mathias:

We are writing on behalf of the membership of the Mid-Atlantic/Northeast Visibility Union (MANEVU) Technical Support Committee (TSC), which includes 12 states in the Northeast and Mid-Atlantic regions and the Penobscot Indian Nation and the St. Regis Mohawk Tribe. The TSC membership also includes regional EPA offices, OAQPS, and Federal Land Managers including the National Park Service, Forest Service, and Fish and Wildlife.

In Spring 2023, the White House Office of Management and Budget's Office of Information and Regulatory Affairs issued its Unified Agenda of Regulatory and Deregulatory Actions. Included in the Unified Agenda is Project RIN 2060-AU01, Protection of Visibility: Amendments to Requirements for State Plans.¹ This rulemaking, originally scheduled for proposal in February 2024, was to "focus on the regional haze third planning period" and "address implementation challenges and stakeholders' feedback received on the 2017 rulemaking and subsequent guidance."

The MANEVU TSC was made aware of requests for comments on the potential Regional Haze Rule revisions in January 2023 during our regular EPA/FLM coordination efforts. At our committee call on May 23, 2023, Brian Timin (OAQPS) presented information on the future RHR revisions where he made a request for comments. In June 2023, we issued our first set of comments, including the TSC's ideas for streamlining and improving the RHR. This set of comments was sent by email to Brian Timin (OAQPS) and Emily Millar (OAQPS).

This letter is a version of our 2023 email revised to reflect the EPA's proposed list of topics from the "Information Webinar on Regional Haze Rule Revisions"

¹ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202304&RIN=2060-AU01>

- Connecticut
- Delaware
- District of Columbia
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- Pennsylvania
- Penobscot Indian Nation
- Rhode Island
- St. Regis Mohawk Tribe
- Vermont

MANE-VU 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

held on April 9, 2024. We include seven topics, with the first four reflective of the topics EPA presented in April.

Topic 1: Reasonable Progress

a) Given...observed visibility improvements, how should the Regional Haze Program balance ongoing emissions reductions programs with the implementation of additional controls for the purpose of addressing visibility in Class I areas?

The first regional haze planning period adequately addressed sulfur dioxide (SO₂) emissions from traditional (e.g. power sector) visibility-impairing sources. These control measures have resulted in significant improvement in visibility at our Class 1 areas. However, analysis of Interagency Monitoring of Protected Visibility Environments (IMPROVE) data during the second planning period indicates that nitrates are playing a larger role in visibility impairment at Class I areas located in the MANEVU region, especially during the winter season. In the future, additional reductions must come from sources of nitrogen oxides (NO_x) emissions, and it must be ensured that NO_x control measures (e.g. Selected Catalytic/Non-Catalytic Reduction, or SCR/SNCR) are operated all year. Additionally, a large portion of NO_x emissions for most states are not typically addressed by the Regional Haze Program and are often not within states' authority to regulate. Examples include on-road vehicles, including heavy duty diesel trucks, and non-road vehicles such as locomotives. Other examples could include agricultural ammonia sources and wood-fired residential heating devices. The EPA should explore opportunities for further emissions reductions from these types of sources and collaborate with states in the process. Doing so would have benefits to both visibility protection and public health.

b) Considering the CAA requirements, what type(s) of benchmarks (e.g., URP or other tracking metrics) could be used to determine if "reasonable progress" has been made in a Class I area?

EPA's long-standing contention is that being under the level of URP is not a "safe harbor" and states that contribute to visibility impairment at Class I areas must continue to evaluate measures to make reasonable progress using the four statutory factors. We continue to support this contention. However, when the relevant five-year average of annual haze indexes achieves the RPGs and is also below the URP, then the Class I area in question could be considered as having made reasonable progress. If a Class I area achieves reasonable progress set below the URP, then EPA should evaluate the potential for certain requirements, such as the evaluation of additional measures for making reasonable progress, to be suspended for that Class I area state (and perhaps any states that contribute to visibility impairment at that Class I area, assuming they do not contribute to visibility impairment at other Class I areas with haze indexes above the RPGs) so long as the five-year average haze indexes remain below the RPGs. This concept is somewhat analogous to the Clean Data Policy for ozone (<https://www.epa.gov/ground-level-ozone-pollution/redesignation-and-clean-data-policy-cdp>).

Topic 2: Four Factor Analysis

a) What are some examples of criteria that EPA could implement to help states identify sources to select for four-factor analysis?

Identifying and selecting emissions source sectors and specific sources for four-factor analysis is becoming an increasing challenge for states. Source apportionment, or tagging, modeling is a useful tool for source selection. Although we relied on photochemical modeling that was performed by OTC/MANEVU, EPA also performed modeling to support states' second planning period RH SIPs that included tagging modeling to assess contributions from various emissions sectors. We recognize the challenges associated with tagging modeling and the computational resources it takes to evaluate a higher number of tags. EPA has more resources to perform this modeling more often and in a shorter amount of time compared to states with limited or no photochemical modeling capability. That said, EPA should expand its source apportionment modeling to include tags by source sector/state combination to assist states in identifying emissions sources for four-factor analysis. The number of states could potentially be reduced by only looking at those that contribute to visibility impairment at one or more Class I areas. Such modeling results could allow for quasi-quantitative identification criteria such as ranking sector/state combinations and selecting the highest-ranking combinations for potential four-factor analysis. It is likely that some of the potentially highest ranked sectors (e.g. on-road mobile sources) would pose a regulatory challenge for states because such sources are regulated at a federal level.

Once sources that are reasonably anticipated to impact visibility at Class I area have been selected using modeling or other tools, the focus should remain on those sources, rather than sources that have already been shown to not impact visibility. Focusing efforts on impactful, visibility-impairing sources strengthens the SIP development process by avoiding the problem of potentially having to repeat facility four-factor evaluations.

b) What types of rule revisions would help States identify cost-effective controls? If EPA were to identify a minimum cost threshold, how could it be developed and applied?

Although it is not part of the RHR rule itself, EPA's Control Cost Manual (<https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution>) has been used by states during prior regional haze planning phases. EPA should ensure the Control Cost Manual is kept as up to date as possible.

The EPA should consider the cost effectiveness figures and supporting information that were developed in support of the OTC's NO_x RACT tool (https://otcair.org/upload/Documents/Reports/Cost%20Effectiveness%20-%20NOx%20Emissions_3_27_2023.pdf).

Topic 3: Long-Term Strategy

a) How should States and EPA determine which measures are necessary for reasonable progress and therefore must be included in the SIP?

As stated earlier, most of the states' regulated sources are controlled to a point where additional controls are no longer technologically or economically feasible, and therefore the availability of any additional sectors is limited to those beyond a state's authority to regulate (e.g. on-road

vehicles, locomotives). In this instance, EPA should allow a state to document this approach as a justification that no further analysis is needed.

If states need to develop long-term strategies to achieve reasonable progress in visibility improvement, then the states could use EPA's modeling to define the necessary reduction in terms of deciviews. The evaluation of the largest contributors to the Class I area could be determined through source apportionment modeling – either as state contribution or sector contribution.

Topic 4: Future SIP Obligations

a) Should all states be required to submit a SIP revision for each planning period (every 10-15 years)?

For each planning period, states should make a submittal, either in the form of a SIP revision or progress report, to document the following:

1. For Class I states, current visibility conditions.
2. For all states, a statewide inventory of emissions and an evaluation of any significant changes in emissions.
3. That future emissions are predicted to decrease.
4. That future base year RH SIP modeling predicts improvement in visibility below the glidepath and current conditions.

In addition to the above items, Class I states should submit a SIP revision that establishes RPGs for the end of the applicable planning period and documents the states, if any, that are reasonably anticipated to contribute to visibility impairment at its Class I area. The Class I state should also document whether it is reasonably anticipated to contribute to visibility impairment at its own Class I area or Class I areas in other states.

Other SIP requirements could be suspended for the Class I state and the contributing state(s), provided the following:

- The Class I area's visibility conditions are below the most current planning year RPGs,
- No significant increases in emissions for the Class I state or contributing state(s) are expected occur during the upcoming planning phase, and
- The contributing state(s) do(es) not contribute to visibility impairment at other Class I areas with current visibility above the RPGs.

As noted in our earlier comment, this is somewhat analogous to the Clean Data Policy for ozone.

b) Considering the CAA requirements, what criteria could EPA establish to determine that, in some cases, no further revisions to the existing Long-term Strategy (LTS) are necessary (for a particular planning period)?

Please see comments above. If current visibility conditions at a Class I area are below the RPGs and URP in its currently approved SIP, then no further revisions to the existing LTS would be necessary for that Class I state or states found to contribute to that Class I area. This would be contingent upon two factors: 1) there are no significant increases in emissions for the Class I state or contributing state(s), and 2) the contributing state(s) (including the Class I state, if it was found to be a “contributing state” to its own or other Class I areas) do(es) not contribute to visibility impairment at other Class I areas with current conditions above the RPGs.

However, and again somewhat analogous to the Clean Data Policy, LTS assessment and other SIP requirements would be reinstated should current visibility conditions at the Class I area, as reported in a regular SIP or progress report submittal, backslide above the RPGs in the state’s currently approved SIP.

Topic 5: The RHR should be streamlined by removing the requirement in 51.308(f)(5) that the SIP also serve as a progress report

We have identified redundancies in the requirements of 51.308(g) and 51.308(f) in the current RHR. For example:

1. 51.308(g)(3)(i), *Current Visibility Conditions* is essentially the same requirement as 51.308(f)(1)(iii), *Current Visibility Conditions*
2. 51.308(g)(3)(ii), *Difference between Current and Baseline* is essentially the same requirement as 51.308(f)(1)(v), *Difference between Current and Baseline*
3. 51.308(g)(4), *An analysis tracking the change...in emissions of pollutants...from all sources and activities within the State* is largely similar to 51.308(f)(6)(v), *A statewide inventory of emissions*

Some of the current RHR reporting requirements under paragraph (g) could be suspended if there are no significant increases in emissions for the Class I state or contributing state(s), and the contributing state(s) (including the Class I state, if it was found to contribute to its own or other Class I areas) do(es) not contribute to visibility impairment at other Class I areas with current conditions above the RPGs. Examples of requirements that could be suspended under such circumstances would be 51.308(g)(1), *Implementation status of measures for achieving RPGs* and 51.308(g)(2), *Overview of the emissions reductions achieved with the measures described in (g)(1)*.

Additionally, the specific reporting requirements of 51.308(g) should be removed from the RHR and instead be outlined in non-binding guidance. Since progress reports are no longer formal SIP revisions, this would give states maximum flexibility in how they report progress towards meeting their reasonable progress goals.

Topic 6: The timeframes in 51.308(g)(3), *Visibility conditions and changes* and 51.308(g)(4), *Analysis tracking change in emissions*, should be revised to 12 months rather than 6.

Current RHR sections 51.308(g)(3) and (4) require that assessments be based on data available 6 months preceding the Progress Report due date. We respectfully request that these timeframes be made 12 months rather than 6. Extending these timeframes will provide states with the flexibility to have a robust draft report available for review by the Federal Land Manager and the public and minimizes the risk of having to redo work if, for example, release of IMPROVE visibility metrics, National Emissions Inventory data, or Clean Air Markets Program Data were delayed. Relocating the 51.308(g) reporting requirements into non-binding guidance, as suggested in our comment above, would provide additional flexibility in how states meet these requirements.

Topic 7: The regional haze SIP submittal deadline for the third planning should be extended.

Given the potentially sweeping changes that could result from EPA's consideration of revisions to the RHR and the regional haze program in general, we respectfully request that the third planning period regional haze SIP submittal deadline be extended by three years from July 31, 2028 to July 31, 2031.

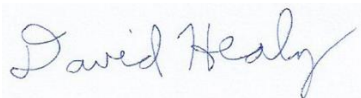
Conclusion

To conclude, the MANEVU TSC submits these comments to help strengthen the Regional Haze Rule revisions in support of reducing impairment and improving visibility at Class I areas. If you would like further clarification or discussion on any of these comments, please contact the co-chairs of the MANEVU TSC, Sharon Davis of the New Jersey Department of Environmental Protection (sharon.davis@dep.nj.gov) and David Healy of the New Hampshire Department of Environmental Services (David.s.healy@des.nh.gov).

Sincerely,



Sharon Davis
New Jersey Department of Environmental Protection and Co-Chair of MANEVU Technical Support Committee



David Healy
New Hampshire Department of Environmental Services and Co-Chair of MANEVU Technical Support Committee

cc: MANEVU Technical Support Committee