



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

June 28, 2021

Holly Kaloz

Ohio Environmental Protection Agency, DAPC

Lazarus Government Center

P.O. Box 1049

Columbus, OH 43216-1049

Re: DRAFT Regional Haze State Implementation Plan for the Second Implementation Period

Dear Ms. Kaloz:

The Mid-Atlantic/Northeast Visibility Union (MANE-VU) appreciates the opportunity to comment on the Ohio Environmental Protection Agency's (OH EPA's) draft Regional Haze State Implementation Plan for the Second Implementation Period dated May 2021 (hereinafter, the OH EPA draft). MANE-VU is the regional visibility planning organization of the air agencies in the Mid-Atlantic and Northeast, consisting of eleven states, two tribal nations, and the District of Columbia. It coordinates regional haze planning activities to help its members reduce visibility impairment at Class I areas in the MANE-VU region in furtherance of achieving the national visibility goals of EPA's Regional Haze Rule (RHR). To ensure that reasonable progress in visibility protection is made at its own Class I areas, and all Class I areas throughout the U.S., MANE-VU is providing comments on the OH EPA draft.

The OH EPA draft is of interest to MANE-VU because Ohio was identified by MANE-VU to significantly contribute to visibility impairment at Class I areas in the region. MANE-VU consulted with Ohio and other states identified as "contributing" and Ohio was included in the states receiving the MANE-VU Inter-RPO "Ask" for contributing states.¹ As required by 40 CFR § 51.308(f)(2)(ii)(A), the OH EPA response and resolution to this Ask must be detailed in the OH EPA draft for review and action by EPA and Federal Land Managers (FLMs) prior to approval. MANE-VU's comments on the OH EPA draft are described in the sections below.

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

¹ *Statement of the Mid-Atlantic/Northeast Visibility Union (MANE-VU) States Concerning a Course of Action in Contributing States Located Upwind of MANE-VU Toward Assuring Reasonable Progress for the Second Regional Haze Implementation Period (2018-2028)*, August 25, 2017. Available at <https://otcair.org/manevu/document.asp?fview=Formal%20Actions>.

Section 4(b), bottom of page 44

In this section, and in Appendix G2, Carmeuse Lime, Inc. makes a demonstration that the cost/sales ratio for SO₂ and NO_x controls at its Maple Grove Plant is above the 3% threshold typically considered by EPA to cause a significant economic burden according to its November 2006 *Final Guidance for EPA Rulewriters: Regulatory Flexibility Act as amended by the Small Business Regulatory Enforcement Fairness Act*.² It should be noted that this guidance is aimed at preventing economic burden to small entities. Large companies are equipped to absorb the capital and operating costs associated with the installation of emissions controls, and they have historically done so. Therefore, Carmeuse Lime, Inc. should make a demonstration that it qualifies as a small entity using the criteria outlined in Section 5.2 of the Guidance, or it should further consider the emissions controls as outlined in its analysis.

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The above comment applies here: Dover Municipal Light asserts that that cost/sales ratio associated with controls exceeds EPA's 3% threshold. Dover Municipal Light should demonstrate that it qualifies as a small entity or further consider the emissions controls as outlined in its analysis.

Meeting the MANE-VU Ask

MANE-VU coordinated with its members to identify a set of Inter-RPO Asks for the upwind contributory states that were deemed necessary to achieve reasonable progress in visibility improvement at MANE-VU Class I areas. The MANE-VU Inter-RPO Asks were discussed with the upwind contributing states as part of the Regional Haze Consultation Process, in which Ohio participated. MANE-VU acknowledges the analyses and control measures described in Steps 3 and 4 in the OH EPA draft that directly or indirectly address Items 1 and 2 of MANE-VU's Inter-RPO Ask. However, on page 56 of the OH EPA draft, Ohio states that it merely considered MANE-VU Ask Item 3, a low sulfur fuel standard, and that Ohio does not find it necessary or appropriate at this time. MANE-VU respectfully asks Ohio to reconsider MANE-VU Ask Item 3 or provide a detailed analysis that considers the four statutory factors to demonstrate why the adoption of such a measure is not reasonable.

Regarding MANE-VU's Ask Item 5, the expectation of this Ask is not for states to dictate energy policy, including the type of fuel used by a source and the order of distribution of electricity, as stated by Ohio, but for states to consider and report in their SIPs on control measures or programs that reduce energy demand by using energy efficiency and increasing the use of Combined Heat and Power (CHP) and other clean distribution technologies. Energy efficiency measures include programs that reduce emissions and therefore benefit visibility. For example, improving efficiency and reducing demand for fossil fuel generation can improve visibility. Although some states, including Ohio, may not have the requisite authority to require measures such as those in the stated example, energy efficiency is something environmental agencies can and should encourage and promote.

² U.S. EPA, *Final Guidance EPA Rulewriters: Regulatory Flexibility Act as Amended by the Small Business and Regulatory Enforcement Fairness Act*, November 2006. Available at <https://www.epa.gov/sites/production/files/2015-06/documents/guidance-regflexact.pdf>.

Avon Lake Power Plant

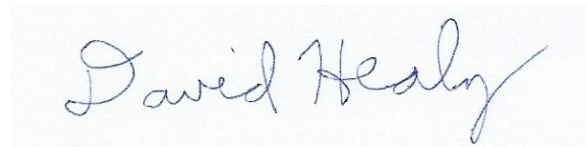
Per a June 9, 2021 press release from GenOn Holdings, LLC, Avon Lake Unit 9 and a small oil-fired unit are anticipated to retire by September 15, 2021. MANE-VU respectfully asks that this shutdown be included in OH EPA's regional haze SIP as a permanent and enforceable measure to achieve further reduction of visibility-impairing pollutants.

Thank you for your consideration of these comments. Please do not hesitate to contact us by email at Sharon.Davis@dep.nj.gov and David.S.Healy@des.nh.gov if you have specific questions regarding the content of this letter.

Sincerely,



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



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

cc: MANE-VU Directors
MANE-VU Technical Support Committee