



Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Penobscot Nation

Rhode Island

St. Regis Mohawk Tribe

Vermont

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

December 1, 2025

U.S. Environmental Protection Agency
Attention: Docket ID No. EPA-HQ-OAR-2025-1477

*Re: Visibility Protection: Regional Haze State Plan Requirements Rule
Revision*

To Whom It May Concern:

The Mid-Atlantic/Northeast Visibility Union (MANEVU) Technical Support Committee (TSC) is submitting comments to the U.S. Environmental Protection Agency (EPA) on its advance notice of proposed rulemaking *Visibility Protection: Regional Haze State Plan Requirements Rule Revision* [90 Fed. Reg. 47677 (October 2, 2025)]. MANEVU TSC membership includes 11 states in the Northeast and Mid-Atlantic regions, the District of Columbia, the Penobscot Indian Nation, and the St. Regis Mohawk Tribe. The TSC membership also includes participants from the Environmental Protection Agency (EPA) and the Federal Land Managers (National Park Service, U.S. Forest Service, and U.S. Fish and Wildlife Service). These comments are the consensus views of the MANEVU TSC non-federal members and are not intended to represent the views of the Tribal members or federal agency partners in the MANEVU TSC.

MANEVU has focused exclusively on implementing the Regional Haze program since its inception in 2001. Our comments reflect our experience working on both the first and second planning periods, as well as five-year progress reports, and our commitment to improving visibility at Class I areas in compliance with the Clean Air Act (CAA). Our comments are grouped below according to the topics and questions presented in the advance notice of proposed rulemaking, with additional comments and observations at the end.

Topic 1: Development and Implementation of a Reasonable Progress Metric and Consideration of the Four Statutory Factors

Question 1: Are there alternative approaches through which the EPA and/or states can meet the CAA section 169A(g)(1) requirement to consider the four factors in determining reasonable progress?

One alternative approach to consider is for EPA to perform four factor analyses for the states similar to what it does for maximum achievable control

technology (MACT) standards, Alternative Control Techniques (ACTs), and Control Techniques Guidelines (CTGs). EPA could implement such an approach to provide “state of the art” control information to the states for the most important visibility-impairing sources on a national basis. EPA could update these as needed during every Regional Haze Rule (RHR) planning period, while states would have the option to use, adapt, or develop their own analyses.

The MANEVU TSC specifically does not agree that the use of the Uniform Rate of Progress (URP) can presumptively demonstrate reasonable progress to the extent it would override congressional intent given by the statutory four factors in CAA sec. 169(A)(g)(1). As such, the MANEVU TSC does not agree with the new URP policy EPA announced in its proposed approval of West Virginia’s Regional Haze SIP¹ and does not support such an approach in a revised RHR. Under the current RHR, while a state must consider the URP when establishing the reasonable progress goal, it is merely an “upper bound” measuring stick to indicate whether the rate of improvement remains on track, i.e., is not slower than what the URP represents so as not to delay achieving natural conditions by 2064. This application of the URP supplements, but does not override, a reasonable progress determination using the statutory four factors. The URP cannot be a factor in reframing a reasonable progress determination as something other than the statutory definition in CAA sec. 169A(g)(1).

Question 2: What form could a reasonable progress metric take?

The MANEVU TSC has successfully developed a process to determine reasonable progress goals (RPGs) based on the CAA statutory factors and prior EPA guidance, with the goal of meeting no anthropogenic contribution to visibility impairment by 2064. The MANEVU states and DC have put extensive time and effort into developing RPGs during each planning period that fall well below the URP line at Class I areas within the MANEVU region consistent with the CAA statutory requirements. The RPGs are incorporated into the MANEVU states’ Regional Haze SIPs, which received extensive input from the public, other states, and the federal land managers, and have been consistently approved by the EPA in its final Regional Haze SIP decisions. Based on this track record and the plain text of the CAA, we recommend maintaining the current approach, including no change to the 2064 goal date.

Question 3: Should the EPA revise the rule to include a concept akin to a “safe harbor” and what methods should the EPA use to track visibility conditions and determine reasonable progress?

The MANEVU TSC has concerns with any approach to include a “safe harbor” that would by regulation override a statutory four factor reasonable progress determination. For example, the MANEVU TSC has submitted to EPA multiple comments on its proposed actions for Regional Haze SIP submittals where EPA has asserted the URP as a metric. In those actions, EPA proposed

¹ 90 Fed. Reg. 16478-16490 (April 18, 2025).

using the URP as part of a presumptive determination that states do not have to require further reductions in visibility impairing emissions. While EPA indicates that states must show they “considered” the four factors in combination with the URP, the presumption appears to allow for ignoring results of a statutory four factor analysis that otherwise would find such reductions feasible for achieving reasonable progress. This is causing confusion, and the MANEVU TSC seeks clarification from EPA on what it means by a state having “considered the four statutory factors” when invoking a non-statutory presumption of reasonable progress at affected Class I areas.² If a state considers the four statutory factors and finds that additional controls are justified to make reasonable progress, can it still invoke a “safe harbor” akin to being below the URP to not require such controls? If so, what is the purpose of “considering” the statutory four factors if a state knows beforehand that all the Class I areas its emissions affect are below a “safe harbor” metric? If a state considers the four statutory factors and finds that additional controls would not constitute reasonable progress, why would it need to invoke a non-statutory “safe harbor” metric beyond satisfying the statutory criteria?

With regard to the URP as a “safe harbor,” the MANEVU TSC has submitted our concerns on its use in prior comments on EPA’s Regional Haze SIP proposed approvals.³ Our position in those comments would equally apply to any other non-statutory “safe harbor” approach to disregard or discount the results of a statutory four factor analysis in determining reasonable progress. To the extent EPA seeks to use the URP or any other non-statutory factor as a “safe harbor,” we ask that EPA more fully describe its justification to override the CAA criteria by regulation in light of *Loper Bright Enterprises, et al. v. Raimondo, et al.* 603 U.S. 369 (2024).

Additionally, EPA is seeking to define a “safe harbor” using current ambient air quality data collected through the IMPROVE network in combination with modeled predictions at a future year. Our concerns related to proposing non-statutory alternative approaches to negate the use of four factor analysis for determining reasonable progress also apply here. While modeling results are useful for determining a reasonable progress goal and the development of long-term strategies, it should not be used as a “safe harbor” due to the potential for changes in the control measures used in the future year predictions.

Question 4: Are there recommended alternative metrics to the 20% clearest days and 20% most impaired days to track visibility impairment?

² EPA first announced this approach in the context of the URP, *see* 90 Fed. Reg., at 16483.

³ All of MANEVU’s comments submitted to EPA on its proposed regional haze SIP approvals are available in EPA’s dockets for each proposed action and posted on MANEVU’s website at <https://otcair.org/manevu/materials/correspondence>.

The MANEVU TSC supports the continued use of the 20% clearest and 20% most impaired days metrics. Through MANEVU’s annual visibility metrics tracking reports,⁴ we have found these metrics work well in assessing progress towards the CAA’s national visibility goal.

EPA suggests the use of an annual average for visibility impairment. This, however, could discount the daily and seasonal visibility impacts from pollutants at times most relevant for a visitor at a Class I area. Visits to Class I areas typically occur over the span of a few days, therefore a visitor’s visibility perception is most influenced on a daily basis, not on an annual basis. Taking this into account, the metrics for 20% clearest and 20% most impaired days are the most salient for a typical visitor’s experience. For example, the Class I Brigantine Wilderness Area has many wintering songbirds and waterfowl, making it a popular birdwatching destination during this season. The 20% most impaired days at Brigantine occur during the winter months due to nitrate pollution, but nitrates are relatively less important during warmer months because they are not thermally stable. Most visitors’ experiences of visibility at Brigantine will be determined by the subset of winter days they spend there. The visibility conditions they observe at that time will not be captured as well by a longer term annual visibility metric.

Question 5: Should the EPA continue to track visibility impairment using IMPROVE ambient data in deciviews?

Yes, haze indexes in deciviews for the 20% clearest and the 20% most impaired days are the appropriate metric to measure and track visibility. Tracking extinction values (see footnote 4) and trends in the emissions of visibility impairing precursors⁵ are also important elements of assessing visibility improvement and fulfilling current Regional Haze SIP and progress report requirements.

Topic 2: Development of Criteria Used To Determine When a SIP Revision Is Necessary

Question 6. Does the national visibility goal articulated under CAA section 169A(a)(1) [citation omitted] require Class I areas to be at natural visibility conditions (*i.e.*, elimination of all U.S. anthropogenic visibility impairment) or does the goal refer to something less stringent than natural visibility conditions (*e.g.*, achieving a level of impairment that is consistent with no perceptible U.S. anthropogenic impairment)?

CAA section 169A(a)(1) states that Congress’ national goal is “the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.” We observe that Congress’ use of the word “any” with regard to manmade impairment appears to reflect a congressional intent for

⁴ The MANEVU annual visibility metrics tracking reports are available at <https://otcair.org/manevu/materials/reports>.

⁵ See, *e.g.*, MANEVU’s emissions trends report for the second planning period at <https://otcair.org/manevu/materials/reports>.

elimination of all U.S. anthropogenic visibility impairment. The MANEVU TSC relied on natural conditions, as estimated using EPA guidance,⁶ as the goal to achieve in MANEVU agency second planning period Regional Haze SIPs. The MANEVU TSC continues to support natural conditions as the goal to achieve in future Regional Haze SIP submittals.

Question 7a. What is necessary to address future anthropogenic visibility impairment? For example, is the PSD program sufficient to address the prevention of any future anthropogenic visibility impairment?

The best way to prevent future visibility impairment is to maintain a strong Regional Haze program with clear and robust goals, and regular SIP submissions at 10-year intervals. The PSD program would not be sufficient as it would only apply to new major sources or major modifications of existing sources. It would not apply to those existing sources that are contributing to visibility impairment and required to perform a four factor analysis for determining reasonable progress. EPA and states have made significant progress in visibility improvement, but in the MANEVU region, that progress is flattening.⁷ Future visibility improvements will require continued collaboration. EPA must provide the important scientific support for the Regional Haze program and work with states to reinvigorate progress towards the national visibility goal.

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. Class I states: current visibility conditions.
2. All states: statewide inventory of emissions and an evaluation of any significant changes in emissions.
3. Where future emissions are predicted to decrease, provide a supporting basis that such reductions will occur.
4. Results of future base year RH SIP modeling to show improvement in visibility below the URP 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 areas. The Class I state should also document whether it is reasonably anticipated to contribute to visibility impairment at its own Class I areas or Class I areas in other states.

⁶ U.S. EPA, “Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program,” memo from Richard A. Wayland, EPA OAQPS (December 20, 2018), https://www.epa.gov/sites/default/files/2018-12/documents/technical_guidance_tracking_visibility_progress.pdf.

⁷ Note the recent leveling off in the trend of five-year average haze indexes at many of the MANEVU and nearby Class I areas, which is evident in Figures 2-1 to 2-8 of MANEVU’s 2023 Metrics Trends report (footnote 4).

Question 8. Should the EPA develop a numerical threshold to identify when Class I areas have achieved the national visibility goal?

The MANEVU TSC suggests that a Class I area has achieved the national visibility goal when the most recent five-year average monitored visibility indexes are at or below the natural conditions goals that have been established for that area. This assumption about how and when the goal is achieved has been the focal point of MANEVU agency Regional Haze SIP efforts for the first and second planning periods.

Question 9. What types of criteria could the EPA describe to identify Class I areas where sufficient visibility progress is being made during a planning period such that states contributing to those areas would not have any SIP revision, or substantive SIP revision obligations related to those Class I areas (*i.e.*, not account for those areas in their SIP demonstration for that specific point in time)?

In our response to Question 7a above, we outlined the data elements that should be provided by Class I and other states at regular intervals. However, the MANEVU TSC feels that other Regional Haze 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 period RPGs,
- No significant increases in emissions for the Class I state or contributing state(s) are expected to occur during the upcoming planning phase,
- The contributing state(s) do(es) not contribute to visibility impairment at other Class I areas with current visibility above the RPGs,
- The Class I area has not defined an RPG at a level lower than the modeled results, and
- States continue to comply with the consultation process defined in the current RHR.

For example, if current visibility conditions at a Class I area are below the RPGs in a state's currently approved SIP, then no further revisions to the existing Long Term Strategy (LTS) would be necessary for that Class I state or states found to contribute to that Class I area.

However, an 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 a state's currently approved SIP.

Where a 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, marine vessels), 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.

Question 9.c.iv. In developing such an approach, are there lessons learned from other programmatic areas of the CAA where thresholds are used to identify SIP requirements (e.g., PSD, interstate transport and national ambient air quality standards (NAAQS) planning, etc.)? The EPA solicits comments on the functionality of such approaches and implementation experiences associated with those programs and ways in which such programs might inform a similar style program in the Regional Haze context.

The idea that certain Regional Haze SIP submittals could be suspended if monitored five-year average haze indexes are at or below the most recent planning period's RPGs is loosely analogous to EPA's Clean Data Policy⁸ which stipulates that certain CAA requirements are no longer applicable to a nonattainment area as long as monitored air quality continues to meet the NAAQS.

Question 10. What technical analyses and data are needed to inform implementation of potential criteria; who is responsible for developing and analyzing such data; and can commenters identify updated available information from literature and/or recent studies?

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 MANEVU relied on its own photochemical modeling, EPA also performed modeling to support states' second planning period Regional Haze 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. However, 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. EPA also has the ability to develop nationally consistent methodologies and data inputs. EPA should continue its historical support and 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

⁸ U.S. EPA, "Redesignation and Clean Data Policy (CDP): Redesignation Guidance," <https://www.epa.gov/ground-level-ozone-pollution/redesignation-and-clean-data-policy-cdp> (last updated on June 5, 2025).

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 a 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.

Question 11: Given the significant difference in visibility conditions and progress across Class I areas (*e.g.*, East versus West), how can the EPA ensure reasonable progress is being made at all Class I areas?

EPA should work with FLMs to maintain the IMPROVE network capacity to track visibility trends and changes in aerosol constituents affecting visibility impairment at Class I areas across the country. EPA should require four factor analyses of sources to evaluate the combined impact of haze-forming emissions (*e.g.*, combined impact of SO₂, NO_x, and direct particulate emissions) rather than analyzing by individual species. EPA should also take a deeper look at the potential of winter-time NO_x reductions to address enhanced nitrate formation as SO₂ emissions have decreased. Addressing annual NO_x on a national level can benefit both the East and West.

Topic 3: Determining SIP Content Requirements

Question 12: Should the EPA maintain the current approach under 40 CFR 51.308(f) to have “planning periods” every 10 years?

The MANEVU TSC’s position is that a 10-year planning period is the right timeframe, giving states enough time to develop and implement plans, track progress, and report. A longer planning period risks progress being delayed and program adjustments not being responsive enough to evolving science and monitoring. An “as needed” or “SIP call” approach would likely lead to less progress towards goals, and more uncertainty around the entire Regional Haze program.

At the same time, the MANEVU TSC agrees with the approach EPA has taken to adjust the SIP deadlines by several years as needed. For example, we agree with the recent proposal to extend the deadline for the third planning period by three years from July 31, 2028 to July 31, 2031. The CAA already gives EPA authority to make these periodic adjustments, and thus a broader overhaul of the planning period timeframe and approach is not needed.

Question 13: The 2017 RHR allows states to include the impacts of other CAA regulatory programs when developing their Regional Haze SIPs (*e.g.*, NAAQS implementation). However, there is some ambiguity to what extent states must make these other CAA regulatory programs federally enforceable within the Regional Haze SIP (*i.e.*, the long-term strategy for Regional Haze). Therefore, how or when should states consider and/or rely upon emissions reductions from other CAA regulatory programs for Regional Haze purposes?

EPA should provide nationally consistent modeling that takes into account other CAA regulatory programs and provide the results to the states so they can determine their necessary reductions from sources under their jurisdiction not already captured by other CAA regulatory programs. States should consider additional reductions using the four factor analysis of sources already subject to other CAA regulatory programs where additional controls are determined to be reasonable.

Question 14: To what extent should states be required to incorporate sources' current emissions measures into their Regional Haze SIP revisions, consistent with the requirements of CAA section 169A(b)(2), in order to obtain "credit" for such reductions as part of their Regional Haze SIP and reasonable progress requirements?

It is the MANEVU TSC's long held position that if a state includes reductions from sources in its Regional Haze SIP to demonstrate reasonable progress consistent with the RPG established by the state with the affected Class I area, those reductions need to be enforceable within the Regional Haze SIP in order to be given "credit."

Question 15: How should visibility be considered as a regulatory factor to ensure Regional Haze SIP revisions are evaluated based on visibility improvement at Class I areas?

Because visibility impairment at downwind Class I areas can be affected by emissions across multiple states, states should not be allowed to use a visibility metric to argue their visibility-impairing emissions, in isolation from the collective contributions across multiple states, do not significantly contribute to visibility impairment. We also note that Congress did not include a visibility metric in the four factor analysis of CAA sec. 169A(g)(1), and the MANEVU TSC would not support a regulatory visibility factor to circumvent the statutory analysis.

Question 16: What would [be] the benefits or drawbacks from removing states' requirements under the 2017 RHR to submit a 5-year progress report between SIP revision submittals under 40 CFR 51.308(g)?

The MANEVU TSC does not see a benefit from removing this 5-year progress report requirement, only drawbacks. Reporting midway through the planning period helps keep states on track with monitoring and modeling programs and provides opportunities for SIP drafting to begin well before the 10-year deadline. However, due to the redundancy in reporting elements between Regional Haze SIPs and progress reports, the MANEVU TSC would support the removal of the current requirement that Regional Haze SIPs also serve as progress reports, and we feel that a "mid-course" progress report requirement would be sufficient. Further, relocating the current RHR 51.308(g) progress report requirements into non-binding guidance would provide additional flexibility in how states meet these requirements.

Question 17: In what way should the EPA consider revising the Reasonably Attributable Visibility Impairment (RAVI) provisions under 40 CFR 51.302 to ensure CAA objectives are met?

MANEVU does not think revisions are needed. Flexibility in the RAVI provisions already allow states to identify circumstances beyond their control.

Question 18a: The EPA solicits specific feedback regarding the level of consultation and materials that are needed to fulfill the statutory obligations under CAA section 169A(d). Similarly, the EPA solicits feedback regarding challenges states faced in submitting materials to FLMs to fulfill the consultation requirements.

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.

Question 19: EPA solicits feedback regarding how the EPA could revise or clarify the interstate consultation process (40 CFR 51.308(f)(2)(ii)) states must undergo before submitting a SIP revision to the EPA.

Question 19a. Furthermore, what role should the regional planning organizations play in interstate consultation and overall SIP development?

The MANEVU TSC has found the interstate consultation process constructive for early notice on upwind Regional Haze SIP proposals. This has allowed the MANEVU TSC to review Regional Haze SIP proposals during a state's own regulatory review process and provide comments prior to the state submitting its Regional Haze SIP to EPA for approval.

Regional planning organizations (RPOs) like MANEVU play an important role in providing an efficient mechanism for states and others to collaborate within and pool scarce resources. MANEVU, for example, helps develop common Regional Haze SIP components for all its state members to use that avoids the unnecessarily duplicative and inefficient effort of each state redundantly developing on its own. These components include consistent inventory information, a common modeling approach with technical support documentation, a common Regional Haze SIP template, and a common regional haze conceptual model. MANEVU also is a "one stop" point of contact for its members, upwind states, EPA, FLMs, and the public for state/FLM consultation purposes, regular stakeholder engagement, and for keeping abreast of emerging science and other information that can inform haze planning decisions. MANEVU and the other RPOs also provide training support for states, as well as federal members, to address staff turnover, which is particularly useful considering the long timespan of the Regional Haze planning periods. The MANEVU TSC, for example, prepared training templates that were shared with the states and other RPOs.

We note that the regional planning organizations were originally supported by dedicated EPA funding when they were initially formed in the early 2000s. Since that time, EPA's dedicated funding for RPOs has become unavailable, but the MANEVU members, in recognition of the continued need for and efficiencies from regional collaboration, have stepped in to maintain the RPO through their own CAA funding resources. In light of this history, MANEVU asks that EPA once again dedicate special funding to the RPOs in reflection of their demonstrated value to the states.

The EPA is seeking comment on all questions and topics described in this ANPRM and welcomes submission of any other information, including information which may not be specifically mentioned in this document.

Recent EPA haze SIP Actions

The EPA's recent proposal to partially disapprove Colorado's haze SIP (Docket ID No. EPA-R08-OAR-2024-0607) raises significant issues for states in developing Regional Haze SIPs. The EPA's constitutional "takings" rationale and its use of *post hoc* information not available to a state at the time it submitted a SIP affects all SIPs, including those for criteria air pollutants. For Regional Haze SIPs, the proposed disapproval action also places states in a dilemma in addressing recent EPA positions that conflict with the states' RHR consultation requirements with the federal land managers (FLMs).

MANEVU seeks clarification from EPA on how it plans to address in any revised RHR the following issues raised by its proposed Colorado action:

1. What statutory authority is EPA relying on to substitute its judgment on electric generation planning over state decisions developed through their well-established resource planning processes, an area of responsibility typically reserved for the states under the Federal Power Act?
2. What additional information beyond long-established state utility commission and energy agency planning processes will EPA seek from states in order to obtain enforceable SIP reductions from planned EGU shutdowns?
3. Does EPA consider all SIP measures seeking to make enforceable announced voluntary retirements as "forced" shutdowns?
4. How do states address "the remaining useful life of any existing source" factor in the statutory four factor analysis where a facility has announced plans to retire if states cannot recognize those plans as enforceable SIP measures?
5. Does EPA intend to use the URP or any other "safe harbor" approach as a prohibition on states from including, by their own choice, measures that achieve greater progress than provided for by a regulatory "safe harbor" metric?

6. How should states anticipate EPA using *post hoc* information arising after a SIP submittal, and how does EPA's use of such information align with recent circuit court decisions on prior EPA SIP disapprovals?⁹
7. How should states address situations where the EPA's policies conflict with FLM comments that states have previously received as part of their required FLM consultation process?

Increased Importance of NOx and Nitrates

In considering changes to the RHR and the broader Regional Haze program, the MANEVU TSC would like to direct EPA's attention to the increased contribution of nitrates and, by extension, NOx emissions to visibility impairment at MANEVU Class I areas. Based on rolling five-year averages demonstrating progress since the 2000-2004 baseline period, MANEVU Class I areas are currently below the 2024 URP and baseline period levels for the 20 percent clearest visibility days. The trends are mainly driven by large reductions in sulfate light extinction. Levels of nitrate extinction have decreased for the 20 percent clearest days; however, its relative percent contribution levels are increasing for the 20 percent most impaired days in recent years as more cool days are in the 20 percent most impaired days mix at the MANEVU Class I areas.

Visibility improvement through the control of SO₂ emissions, particularly from coal-fired power plants and other large facilities, has been a great success story over the life of the Regional Haze program to date. Large emission reductions of NOx and SO₂ across the region in response to regional emission reduction requirements for power plants (e.g., NOx SIP Call, NOx Reasonably Available Control Technology (RACT), Cross State Air Pollution Rule (CSAPR), 2010 SO₂ National Ambient Air Quality Standard (NAAQS), Mercury and Air Toxics Standards (MATS)) are major drivers for MANEVU's observed visibility improvements. Competitive pressures from natural gas generation and non-emitting renewable sources (primarily wind and solar) have also displaced electricity generation from coal-fired power plants, which historically were the major sources of NOx and SO₂ in the eastern U.S.

Despite this clear progress, the MANEVU TSC re-affirms its observation we made in response to Question 7a above that recent trends in visibility improvement have flattened. Examination of recent IMPROVE data¹⁰ shows the increasing proportional contribution of nitrates to overall impairment at our Class I areas. Further, examination of seasonal data¹¹ shows that more of the

⁹ See, e.g., *Commonwealth of Ky. v. U.S. EPA*, No. 23-3216/3225 (6th Cir. Dec. 6, 2024) (vacating the EPA's disapproval of Kentucky's good neighbor SIP in part for the EPA's use of newer modeling information not available at the time of Kentucky's SIP submission); *State of Texas v. U.S. EPA*, 23-60069 (5th Cir. March 25, 2025) (vacating the EPA's disapproval of Mississippi's good neighbor SIP for relying on new data after SIP submittal "in an outcome-determinative manner").

¹⁰ See, e.g., Figures 3-1 to 3-17 of MANEVU's 2023 Visibility Metrics Report (footnote 4).

¹¹ *Id.*, see Figures 3-18 and 3-19.

20% most impaired days are now occurring during cooler months when the less thermally stable nitrates are able to replace the decreasing sulfates in the ambient air. To this end, the MANEVU TSC would like to stress the importance of new and continued enforceable programs and requirements to reduce NO_x, such as the operation of NO_x controls year-round.

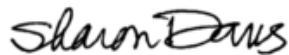
Support for the IMPROVE Monitoring Network

In its consideration of the broader Regional Haze program, the MANEVU TSC encourages EPA's continued support of the IMPROVE monitoring network. Although photochemical modeling is essential for establishing RPGs and for performing source apportionment analysis, monitored data from the IMPROVE network is critical for activities such as:

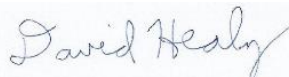
- Performance evaluations for photochemical modeling,
- Tracking progress in visibility improvement,
- Examining the contribution of extinction species to visibility impairment,
- Evaluating visibility at Class I areas against the RPGs, and
- Comparing current visibility with baseline and estimated natural conditions.

Thank you for the opportunity to provide these advance comments to inform EPA's thinking as it looks to revise the Regional Haze rule. The MANEVU TSC looks forward to continuing to work with EPA as potential changes to the RHR and the Regional Haze program unfold.

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