NESCAUM
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Northeast States for Coordinated Air Use Management
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Arthur N. Marin, Executive Director

March 12, 2014

Todd Hawes
U.S. Environmental Protection Agency
Office of Air Quality Planning & Standards
Geographic Strategies Group
4930 Old Page Road
Research Triangle Park, NC 27709

Dear Mr. Hawes:

The Northeast States for Coordinated Air Use Management (NESCAUM) offer the following comments in response to the U.S. Environmental Protection Agency's (EPA's) request for feedback from states on the efficacy of the Regional Haze Program (40 CFR 51.308). NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

We appreciate that the Office of Air Quality Planning and Standards and the EPA Regional offices are engaging states in a dialogue on lessons learned and how the Regional Haze Program can be improved.[1] NESCAUM wishes to reinforce the comments submitted to you in January by the Mid-Atlantic/Northeast Visibility Union (MANE-VU) and urge EPA to commit the resources needed to revise the Regional Haze rule and codify key regulatory corrections and clarifications. Amending the rule and the guidance will yield improvements that will save states and EPA considerable resources, as well as better assist EPA, states, and the public in evaluating and tracking regional haze progress.

NESCAUM recommends the following regulatory revisions:

1. **<u>Standardize Timing for Five-Year Progress Reports</u>**
   EPA should revise 40 CFR 51.308 (g), "Requirements for periodic reports describing progress towards the reasonable progress goals," to standardize submittal deadlines for all states. Currently, the due dates for the progress reports are triggered by State Implementation Plan (SIP) submittal dates, resulting in reports being due at different times and covering different periods. Uniform submittal deadlines would promote efficiency and effectiveness by allowing better regional planning coordination. Moreover, EPA would benefit from more consistent reporting methods and clearer resource-planning horizons.

[1] Anna Marie Wood, "Clean Air Updates: NAAQS and Other Implementation-Related Topics," NACAA Fall Meeting, September 2013.

2. Enhance and Streamline the Consultation Process

- EPA should revise 40 CFR 51.308(d)(1), "Reasonable Progress Goals," section (iv) to clearly indicate how states that may cause or contribute to visibility impairment in Class I areas should respond to the requests for emissions reductions from the affected states. This change would facilitate more effective compliance with the Clean Air Act section 110(a)(2)(D)(i)(II) requirement for upwind states' regional haze SIPs to protect visibility in any Class I area they affect. The current language, which outlines a consultation process and the requirement that states merely describe actions taken to resolve any disagreements from that process, falls short of the statutory mandate to address impacts. The NESCAUM states recommend that this section be revised to include more specific requirements that states provide details on their responses to the upwind states' requests, including specifics on programs being adopted, anticipated emission reductions, regulatory language, implementation start dates, and a description of resource commitments.

- The NESCAUM states underscore the importance of MANE-VU's recommendation that when EPA proposes action on a contributing state's SIP, it provide an analysis and explanation of how the state's SIP meets the reductions requested by the affected state. Absent this analysis, it is extremely difficult for upwind Class I Area states to assess progress from downwind states. Documenting EPA's decisions is also critical, as it allows for better tracking of program progress, allows for comparisons between states and EPA regions, and can identify potential areas needing further attention and analysis.

- EPA should revise 40 CFR 51.308(i) to streamline the consultation process so that the Federal Land Managers' review of the full SIP occurs concurrently with EPA's. The current review process is administratively burdensome, requiring additional rounds of formal review. While the NESCAUM states support the need for consultation, there are more economical ways to sequence the reviews. A simple remedy would be to allow for an informal upfront consultation with Federal Land Managers without the need to share a complete draft SIP. This would provide time to resolve substantive issues prior to compiling the full SIP, and would save administrative resources and time.

The first fifteen years of the Regional Haze Program have yielded some important lessons. Acting on these lessons through regulatory reform is important for the next round of regional haze SIP planning. The program's success to date could in large part be attributed to energy market forces that have led to large sulfur dioxide reductions. We anticipate that the next round of planning and implementing effective control measures will be more challenging. If the regional haze program is to provide a regulatory lever to ensure that our nation's visibility goals are met, the program must be enhanced to provide greater clarity and regulatory responsibility.

Thank you for the opportunity to comment, and do not hesitate to contact Leah Weiss of my staff at 617-259-2094 or lweiss@nescaum.org if you have any questions.

Sincerely,

Arthur N. Marin
Executive Director

CC: NESCAUM Directors
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