



Protection of Visibility: Amendments to Requirements for State Plans

Proposed Amendments to Regional Haze Rule

Docket ID: EPA-HQ-OAR-2015-0531

Discussion with NACAA Members
May 31, 2016
Air Quality Policy Division, U.S. EPA

Process Notes



- Any input during this call will not be treated as formal comments on the proposed rulemaking. Please include your input in your written comments to the docket.
- A short memo saying that this conference call took place and a copy of these slides will be placed in the docket.
- Before or after this discussion, you may also wish to read the presentation from the public webinar, or listen to the recorded webinar, and have those slides at hand during this discussion. <https://www.epa.gov/visibility/public-informational-webinar-proposed-regional-haze-rule-revisions>.
- The following two documents will be useful to have at hand during this discussion:
 - The *Federal Register* notice. 81 FR 26942, May 4, 2016. <https://www.gpo.gov/fdsys/pkg/FR-2016-05-04/pdf/2016-10228.pdf>
 - The unofficial redline/strikeout version of 40 CFR part 51 subpart P. <https://www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2015-0531-0008> (If pasting this url into your browser does not bring you to the document, go to www.regulations.gov and paste “EPA-HQ-OAR-2015-0531-0008” into the search window, then keep clicking.)

Overview of the Rule Text Changes



- Changes to 40 CFR 51.301-306, on reasonably attributable visibility impairment (RAVI).
- Section 51.308(d), which contains the requirements for the 1st SIP submission, would have only consistency edits.
 - We are not proposing to change the requirements for these SIPs.
 - The requirements for the first progress reports subsequent to the 1st SIPs would also be preserved as they are, by distinguishing the requirements in 51.308(g) as needed.
- Section 51.308(f), which contains the requirements for the 2nd and later SIP submission but presently cross references 51.308(d) for some applicable requirements, would be made self-contained and would differ in some respects from 51.308(d).
 - 51.308(f)(1): Ambient data analysis including baseline visibility conditions, the uniform rate of progress (URP) and the glidepath (or “URP line”). Includes the proposed change to focus on the 20 percent of days with highest anthropogenic impacts.
 - 51.308(f)(2): Long-term strategy (LTS).
 - 51.308(f)(3): Reasonable progress goals (RPGs).
 - 51.308(f)(4): Update of the monitoring strategy for determining whether RAVI is occurring, but only if triggered.
 - 51.308(f)(5): Extra items to make the periodic SIP also serve as a progress report.
 - 51.308(f)(6): Monitoring strategy and other implementation plan requirements. No substantive changes from 51.308(d)(4).
- Changes to 51.308(g), on progress reports.
- Only minor/conforming changes to other sections of 40 CFR part 51 subpart P.

Issues on which the NPRM Specifically Invited Comment



- The proposal in the alternative to specify the use of the 20 percent most **anthropogenically** impaired days for the reasonable progress goals and glidepath, or to allow each state to choose between this new approach and the 20 percent haziest days approach used in the first implementation period. We also invite comment on other approaches. (p. 26955)
- The proposals (in rule text) to allow states to adjust the uniform rate of progress (URP) to account for impacts from non-U.S. anthropogenic emissions and certain prescribed fires. (p. 26956 and 26959)
- The proposed recommendations (in preamble only) that these adjustment be made by adding these impacts to the value of natural visibility conditions before calculating the URP. Footnotes 29 and 38 also invite comment on an alternate approach in which current conditions (based on IMPROVE data) would be adjusted instead. (p. 26956 and 26959)
- Four propositions regarding wildland fire and whether they should be included in rule text. (p. 26957)
 - (i) wildland wildfires are natural events and prescribed fires are anthropogenic events;
 - (ii) a wildland wildfire is not controllable or preventable (in the sense that generally it would not be reasonable to expect efforts at prevention of occurrence and/ or control of emissions to have gone beyond the efforts actually made for a given wildfire by responsible land managers and fire safety officials);
 - (iii) a prescribed fire is not reasonably controllable (in the sense that it would not have been reasonable to do more to control its emissions) if it was conducted in accordance with a state-certified smoke management plan or if the burn manager has employed appropriate basic smoke management practices; and
 - (iv) a prescribed fire is presumptively not reasonably preventable (in the sense that it [would not] have been reasonable to not conduct it, because of the multiple important benefits that would have been foregone) if a multi-year land or resource management plan for a wildland area has a stated objective to establish, restore and/or maintain a sustainable and resilient wildland ecosystem and/or to preserve endangered or threatened species through a program of prescribed fire and the use of prescribed fire in the area has not exceeded the frequency indicated in that plan.

Issues on which the NPRM Specifically Invited Comment, cont.



- The proposal that a non-SIP progress report should incorporate IMPROVE monitoring data that are available as of 6 months prior to the deadline for submitting the report, versus a longer or shorter lead time. (p. 26960)
- Several changes regarding the reasonably attributable visibility impairment provisions. (p. 26961)
- Whether all references to integral vistas should be removed from 40 CFR part 51 subpart P. (p. 26964)
- The proposed scheduling of progress reports (mid-way between SIP revisions) and any other schedule. (p.26966)
- The proposal that progress reports not be required to be SIP revisions. (p. 26966)
- The proposed requirement that the SIP revision due in 2021 include a commitment to provide progress reports, if progress reports are not required SIP revisions under the final rule.
- The Information Collection Request under the Paperwork Reduction Act. (p. 26967)

How to Comment



Comments, identified by Docket ID No. EPA-HQ-OAR-2015-0531, will be accepted until July 5 and may be submitted by one of the following methods:

- www.regulations.gov
- Email to a-and-r-Docket@epa.gov
- Fax to (202) 566-9744
- Mail to:
Air and Radiation Docket and Information Center, Environmental Protection Agency,
Mail Code: 2822T, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460
- Hand Delivery or Courier to:
Air and Radiation Docket and Information Center, 1301 Constitution Ave., NW, Room
3334, Washington, D.C. 20004

For More Information



- This proposed rule and other background information are also available electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or on EPA's Visibility and Regional Haze web site at <http://www.epa.gov/visibility>.
- For further information about the proposed rule, contact:

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