



August 17, 2021

Mr. Joseph Goffman
Acting Assistant Administrator, Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Dear Acting Assistant Administrator Goffman,

We are writing in response to EPA's recent memo titled 'Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period' and dated July 8, 2021. The timing of the memo issuance, just 23 days prior to the SIP submittal deadline, is problematic as most states have completed the analyses addressed in the memo many months or even years ago. The clarification memo includes many issues that may be difficult or impossible for some states to address in the limited timeframe available. Where needed, changes made to address the memo may alter the information provided by the states in consultation with other states, Federal Land Managers, and tribes and information states have provided to their stakeholders in a multitude of public meetings over the past several years. The timing of this memo presents challenges to the state regional haze SIP development process and could be the cause of litigation.

For states and Multi-jurisdictional Organizations (MJOs), preparing a Regional Haze State Implementation Plan (SIP) is a multi-year process. States and MJOs began work on second planning period Regional Haze SIPs nearly four years ago. The Western States Air Resources Council (WESTAR) and Western Regional Air Partnership (WRAP) held a [national kick-off meeting in December 2017](#) to discuss, plan, and coordinate Regional Haze planning activities for the second planning period and to assist EPA's work on technical and planning guidance. The Central States Air Resources Agencies (CenSARA) held a national Regional Haze meeting in October 2019 to continue discussions for the second planning period. Ironically, EPA staff gave the first presentation of that conference, titled "EPA: Working Together for the 2nd Planning Period." Because the regional haze planning process occurs over many years, decisions are necessarily made throughout the process and build upon previous decisions. States do not save all the decision making for the end of the process. The issuance of the clarification memo just weeks prior to the SIP submittal deadline, without any discussion with the States, flies in the face of working together. EPA should have given States an opportunity to provide input on the memo before EPA finalized it. Evidence of EPA's commitment to timely input is found in the [WRAP Regional Haze Principles of Engagement](#) document which was adopted unanimously in April 2018. Western EPA regional offices have adhered to this commitment by working closely with the states during the planning process.

The Clean Air Act is based on the premise that “air pollution prevention and air pollution control at its source is the primary responsibility of States and local governments; and that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.” Given this principle of cooperation, EPA could have alternatively consulted directly with states on the questions they received regarding SIP development and avoided the need to issue the memo. In fact, some EPA regions have already been communicating and coordinating with states effectively throughout the planning process. At this point in the process, how does EPA anticipate that states will have the time and resources to reconcile apparent differences between the rule, guidance, and at the above-mentioned meetings with what is in the clarification memo? Most states were already consulting with their regional EPA counterparts and could have easily been notified of the issues raised in the letter. Some states have already submitted SIPs to EPA for approval for the second planning period. How will EPA treat SIPs that were submitted before the issuance of the clarification memo?

Regional Haze is a long-term planning exercise, and WESTAR remains committed to working collaboratively and proactively with EPA to ensure that future plans allow for the thoughtful early engagement necessary to ensure our collective success. There are ambiguities in the RHR that require parallel analysis and decision making, and the timing of the memo makes it difficult to address these ambiguities. We encourage EPA to engage now to resolve these issues before states initiate analyses for the third planning period.

Sincerely,

A handwritten signature in blue ink that reads "Marianne Rossio". The signature is written in a cursive, flowing style.

Marianne Rossio, President