



August 21, 2023

Scott Mathias  
Director, Air Quality Policy Division  
Office of Air Quality Planning and Standards  
109 T.W. Alexander Drive  
RTP, NC 27711

Re: WESTAR recommendations for improvements to the Regional Haze Program through the Western Visibility Planning and Protection Initiative

Dear Mr. Mathias,

During the past year, WESTAR undertook an initiative to explore ways to improve visibility in Western Class I areas and to enhance the program that governs those improvements. The Western Visibility Planning and Protection Initiative (WVPPI) convened representatives from state, Tribal, and local air agencies, as well as individuals from federal land management agencies, including the National Park Service, the Bureau of Land Management, the U.S.D.A. Forest Service, and the U.S. Fish & Wildlife Service. We also thank the EPA staff that participated and listened to the discussions where possible. The purpose of the WVPPI was to:

- Build a strong, shared understanding of the current state and anticipated future needs for visibility protection efforts, with a focus on the Western region of the U.S.
- Share information regarding current regional haze-related practices in the participating states.
- Explore how state, federal, Tribal, and local air agencies can cooperatively continue improving visibility at Class I areas across the U.S Western region.
- Develop options for planning and implementation of the third planning period under the Regional Haze Rule, including potential changes to the Regional Haze Rule and agency guidance, and options for WESTAR/WRAP's planning process.

All WESTAR members, except for Wyoming and North Dakota, join in making the following recommendations regarding the regional haze program based on some of the Potential Areas of Improvement (PAIs) identified in the WVPPI report. Several of the recommendations in this letter will require additional exploration, discussion, and negotiation to work out the essential implementation details. The WESTAR Council believes that the WVPPI report can serve as a catalyst for further discussions and engagement between EPA, States, and FLMs regarding specific rule or guidance changes for the third implementation period and beyond. The complexity of the regional haze program is highlighted by ongoing litigation of plans submitted in the first round, and the variability in plans submitted for the second planning period. The discussions and interviews within the WVPPI process also highlighted the complexity of the regional haze program and the need for additional engagement between

EPA and States regarding specific rule or guidance changes. These continued discussions will benefit EPA, federal land managers, Western states, and Tribal and local air agencies and, ultimately, improve visibility in Class I areas. We understand that EPA has formally initiated updates to the Regional Haze Rule (RHR). While WESTAR understands that making rule revisions quickly is important to allow states time to incorporate any changes into their SIP planning process, it is equally important that the states, as co-regulators, are included in the discussions that will lead to those rule revisions. As the lead agencies responsible for developing and implementing Regional Haze SIPs, state staff have decades of experience implementing the RHR that would help inform the rule revision process. The WESTAR Council requests a meeting with the EPA staff that are currently working on revisions to the RHR.

### Applying the four-factor analysis to non-point sources

WESTAR recommends that EPA develop clear guidance for applying four-factor analyses to non-point emissions sources. Section 169A(g)(1) of the Clean Air Act lists four factors that must be taken into consideration in determining reasonable progress and states are required to consider those four factors in the control analysis step. The four-factor analysis involves assessing potential emission control technologies for identified emissions sources against four statutory factors: (1) the cost of compliance, (2) time necessary for compliance and/or to install controls, (3) energy and non-air quality impacts, and (4) the remaining useful life of the source. States have flexibility to decide how to characterize the factors, but a state's approaches must be reasonable.

While application of the four-factor analysis methodology is relatively clear for electric generating units (EGUs) and other large stationary sources, it is less clear how the four-factor analysis method should be reasonably applied to other types of sources, such as area sources, agricultural emissions sources, and oil and gas emissions sources. We recommend that EPA work with states to identify priority source types where guidance may be needed, and then develop such guidance for use during the third RHR planning period.

### Potential emissions reductions on Federal lands

WESTAR recommends that EPA collaborate among Tribes and federal land managers to investigate emission sources that are on federally managed land in and near Class 1 areas and consider opportunities to develop and implement meaningful strategies to reduce emissions for sources under FLM influence and/or jurisdiction.

For the past two regional haze planning periods, the planning process has focused on stationary source emissions under state jurisdiction. Moving into the third planning period, it is necessary to acknowledge that limited opportunities exist for further reductions from these sources. Emission control considerations need to include other sectors and jurisdictions.

Protecting visibility is a shared responsibility and future planning efforts would be improved with a better understanding among all state and federal partners of emission sources within Class I areas and on federally managed land adjacent to Class I areas. Investigating and sharing information about such sources could be a focus of the early engagement process. Partners could use the early engagement process to identify data gaps and confer about opportunities for EPA, federal land managers, and Tribal agencies to develop and implement emission reduction strategies for sources under their influence and/or jurisdiction.

Visitation to Class I areas, especially national parks, has increased markedly since a national visibility protection goal was established by Congress. In some cases, annual visitation has increased by an order of magnitude. While increasing visitation numbers are certainly cause for celebration, increased visitation in national parks necessitates significant increases in infrastructure and land management efforts, which present opportunities to consider practices that can reduce haze-contributing emissions occurring within and near Class I areas.

In prior RHR planning periods, opportunities to reduce emissions in Class I areas themselves may not have been directly or thoroughly addressed. Considering such emission reductions will accelerate ongoing efforts to make progress towards the national goal.

Opportunities to reduce emissions that contribute to haze can extend beyond the traditional command-control regulatory approach. These opportunities may include measures aimed at Class I area management approaches, including policies related to motorized vehicle use, campfire use, fleet management, grounds maintenance, recreational vehicle use, idling vehicles, and policies for concessionaires. Such measures could serve to incentivize practices by staff and visitors that reduce visibility-impacting emissions.

Furthermore, visibility should continue to be an important factor in determining when and how prescribed burning is conducted. It is important to note that prescribed burning is a crucial practice for maintaining an ecosystem's health and reducing wildfires. However, impacts to visibility from increased prescribed fire emissions must be expected. We recommend that there be a coordinated approach to prescribed fire that acknowledges and embraces a shared responsibility to work towards the national goal.

### Emissions reductions within EPA's jurisdiction

WESTAR recommends that EPA continue to pursue emissions reductions from source categories that affect visibility in Class I areas and fall under their jurisdiction. EPA is uniquely positioned to address sources that states do not have jurisdiction to control. Analyses completed by U.S EPA show that projected future emissions sources affecting visibility in many Western Class I areas will include emissions sources that only EPA can regulate. EPA has a range of regulatory tools and other mechanisms to secure emissions reductions from these sources which could reduce visibility impairment in Class I areas.

Relevant emissions sources that states don't have regulatory authority to control include rail yards and locomotives, ships and ports, on-road and off-road mobile sources, wildfire management on federal lands, and international transport of air pollutants. EPA could consider and pursue opportunities to reduce emissions from some of these sources that affect Western Class I areas using regulatory and/or non-regulatory mechanisms. For example, EPA and its partners could collaborate to reduce rail and heavy-duty mobile source emissions by targeting federal funding, such as grant funding provided under the Diesel Emissions Reduction Act (DERA), to reduce emissions sources near selected Class I areas. In addition, the federal government could enhance its partnerships with Canada and Mexico to prioritize emissions reductions from these sources in these countries that affect visibility in selected U.S Class I areas.

Sustaining public support for visibility protection activities and the regional haze program will be easier if visibility in Class I areas continues to improve in the decades ahead. To the extent that sources outside of state, Tribal, and local air agencies control are contributing to visibility impairment, these sources

undermine progress in actual observed visibility. As states and other partners make progress in reducing the contribution of emissions sources under their jurisdictional control, the potential impact of other sources outside of their control may grow. Concerted efforts by EPA and its federal agency partners to work to reduce emissions from these other sources will contribute to the collaborative effort to improve visibility in Class I areas.

### Promote all ongoing pollution control programs as a component of a state's SIP

There are many programs outside of regional haze that result in emissions reductions that improve visibility at Class I areas. These include Federal programs such as New Source Review (NSR) or National Ambient Air Quality Standard (NAAQS) compliance. Other programs are initiated by states to address climate change and environmental justice. WESTAR recommends that these programs be more integral to regional haze SIP development. These programs should be a primary component of a state's long-term strategy towards reaching visibility goals and in establishing reasonable progress goals. Accounting for these programs should be an integral part of the regional haze SIP development, rather than a "check-the-box" add-on element.

Clean air agencies have accelerated efforts to develop and implement air pollution control programs to protect human health, protect environmental resources, address environmental justice, improve air quality in disproportionately impacted communities, and mitigate the impacts of climate change. These programs coincidentally contribute to improved visibility and should be leveraged and tracked in state improvement plans. The goal is to highlight the strategies that are included in the LTS, but not analyzed in a four-factor analysis in the current RH SIP, which achieve quantifiable emission reductions for regional haze. An example of how these emissions could be tracked is on page 19 of the WVPPI Outcomes Report. Appendix 2 of the report summarizes the emission control strategies for each source category that states may rely on to demonstrate ongoing emission reductions in its SIP.

With intentional changes to guidance and the regional planning process, WESTAR believes that there is an opportunity to consider a holistic approach whereby states can account for air pollution control programs that have been initiated outside of the regional haze program that are expected to lead to significant reductions in visibility-impairing pollutants.

### Provide adequate funding to state, local, and Tribal air agencies

WESTAR recommends that EPA provide adequate funding to state, local, and Tribal organizations in the Western U.S. to enable more effective implementation of the regional haze rule. Increased funding would also provide resources to increase meaningful engagement and participation by Tribes, local air agencies, and the public in the Regional Haze Rule planning processes. As an example, during the first RHR planning period, Tribes had substantial resources to actively participate in the planning process. Federal funding was significantly reduced during the second planning period, which resulted in a substantial reduction in Tribal engagement and participation. Adequate federal funding is needed to support Tribal participation in visibility protection and planning activities.

### Consider the timing of rule and guidance revisions

WESTAR recognizes the substantial time and effort needed for EPA to revise the regional haze rule and guidance to make the above recommended improvements to the program. We recommend that EPA fully consider these recommendations while remaining cognizant of the 2028 SIP submittal deadline for the third planning period.

Revisions to the Regional Haze Rule need to be finalized before state agencies begin their planning process for SIPs so they can meet the regulatory deadline. The past two rounds of Regional Haze planning have required significant time for regional coordination and state SIP preparation. WESTAR/WRAP members began work for the second regional haze planning period in 2017 so that states could submit SIPs by the July 2021 deadline (and some states were still unable to make the 2021 deadline). A draft timeline of the state SIP process, based on round two indicates that the second and third years (2025, 2026) are when decisions about control measures, and reasonable progress goals occur. Making changes to control measure analyses, control measure decisions, reasonable progress determinations, and long-term strategies is difficult after this point. If any rule or guidance revisions happened during this time it would lengthen the planning process and make it difficult for states to meet the 2028 regulatory deadline.

WESTAR appreciates EPA's engagement throughout the WVPPI process, during SIP preparation, and on previous rule and guidance changes. We hope that EPA will consider these recommendations and continue working with the states to improve the regional haze program and improve visibility in the West's 116 Class I areas. We look forward to meeting with you to discuss any potential rule and guidance revisions.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Daniel Czecholinski". The signature is written in a cursive style and is enclosed within a blue rounded rectangular border.

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Daniel Czecholinski, President

Western States Air Resources Council

Attachment: Western Visibility Planning and Protection Initiative Outcomes Report