

August 10, 2016

Administrator Gina McCarthy  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Subject: Docket ID No. EPA-HQ-OAR-2015-0531; Protection of Visibility: Amendments to Requirements for State Plans

Administrator McCarthy:

The Association of Air Pollution Control Agencies (AAPCA)<sup>1</sup> appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) proposed rule, Protection of Visibility: Amendments to Requirements for State Plans, published in the *Federal Register* on May 4, 2016.<sup>2</sup> These substantive comments are provided following AAPCA's June 20, 2016 request for an extension of the comment period, which EPA granted on June 24, 2016.

AAPCA is supportive of the following provisions in EPA's proposed rule:

- Revision of the compliance deadline for submission of the next periodic comprehensive state implementation plan (SIP) from July 31, 2018 to July 31, 2021.<sup>3</sup>
- Changes to the timing of states' submissions of regional haze progress reports such that "... second and subsequent progress reports would be due by January 31, 2025, July 31, 2033, and every 10 years thereafter, placing one progress report mid-way between the due dates for periodic comprehensive SIP revisions."<sup>4</sup>
- Removal of the requirement that regional haze progress reports be SIP revisions, including a revised EPA review process that "would not result in a formal approval or disapproval of them."<sup>5</sup>
- Ensuring maximum flexibility for states by including the option for states with one or more Class I areas to choose how days are selected to track visibility.<sup>6</sup>

EPA's proposed revisions to the reasonably attributable visibility impairment (RAVI) determination process, together with changes to the provisions that detail states' roles in consultations with Federal Land Managers (FLMs), raise concern for AAPCA agencies. EPA's proposed new RAVI requirements<sup>7</sup> apply to all states and territories (with the exception of Guam, Puerto Rico, American Samoa and the Northern Mariana Islands). AAPCA questions the continued use and expansion of the RAVI process, which appears to be inconsistent with and duplicative of the processes detailed in EPA's current Regional

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<sup>1</sup> AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. Twenty state environmental agencies currently sit on AAPCA's Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of the Council of State Governments. You can find more information about AAPCA at: <http://www.cleanairact.org>.

<sup>2</sup> 81 FR 26941-26976.

<sup>3</sup> 81 FR 26965.

<sup>4</sup> 81 FR 26965.

<sup>5</sup> 81 FR 26966.

<sup>6</sup> 81 FR 26955.

<sup>7</sup> 81 FR 26961-26964.

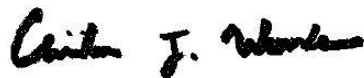
Haze Rule, which states used to develop their existing regional haze plans. The current Regional Haze Rule was intended to comprehensively address visibility impairment in Class I areas. Retaining RAVI provisions in the final rule, alongside the processes given in EPA's proposed rule regarding future state plans, may no longer be necessary to achieve the RAVI program's goals.

With regard to state consultations with FLMs, the proposed rule "would add a requirement that such consultation occur early enough to allow the state time for full consideration of FLM input, but no fewer than 60 days prior to a public hearing or other public comment opportunity." EPA further states "[a] consultation opportunity that takes place no less than 120 days prior to a public hearing or other public comment opportunity would be deemed to have been 'early enough.'"<sup>8</sup> These changes imply that air agencies may need to conduct a 120-day FLM consultation process, which seems unnecessarily long. Based upon states' experiences in developing their existing regional haze plans, retention of the 60-day consultation period would provide adequate opportunity for FLM input.

AAPCA appreciates EPA's extension of the comment period to August 10, 2016, which will allow members to review the proposed rule alongside Draft Guidance on Progress Tracking Metrics, Long-term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period. EPA should ensure, as stated in the *Federal Register* notice, that the Agency will transparently consider comments on both the proposed rule and the proposed guidance prior to finalizing any revisions to the Regional Haze Rule.<sup>9</sup>

Thank you for your attention to these comments, and AAPCA appreciates the effort to make commonsense changes to requirements for state plans. If you have any questions, please contact [cwoods@csg.org](mailto:cwoods@csg.org) or (859) 244-8040.

Sincerely,



Clinton J. Woods, Executive Director  
AAPCA

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<sup>8</sup> 81 FR 26965.

<sup>9</sup> 81 FR 26945.