

Meeting Notes
IWG conference call March 16, 2006

Alice Edwards	Dana Mount	Tina Anderson
Corky Martinkovic	Tom Bachman	Kieth Rose
Tina Suarez-Murias	Rick Boddicker	Brian Mitchell
Ray Mohr	Bob Jeffrey	Bruce Polkowsky
Curt Taipale	Rita Trujillo	Lee Alter
Priscilla Ligh	Tom Moore	Bob Lebens
	Don Arkell	Bob Gruenig

1. EPA Draft Protocol for review of SIPs (See Appendix A)

Suggestions and questions on the draft::

- Add a section for states that adjoin non-WRAP states to consult with them, as well as WRAP states
- Incorporate consultation provisions for FLM's. Bruce Polkowsky will insert these into the draft..
- Should trans-boundary impacts be addressed (Canada and Mexico)??
- How should the Class I area profiles be addressed? One approach is each Class I area could be treated separately, as a "mini-SIP" or a more general discussion of regional source categories, attributions, monitoring throughout the region, handling Class I areas in clusters, A third idea of a hybrid, with a discussion of strategies as a central focus, and more detailed sections for each Class I area seemed to be a good third way.
- How much technical discussion should there be on establishing attribution? For example, attribution will vary from each source category within a state. What is the best technique to indicate "fair share" controls-worst-case, average, or ??
- Does establishing reasonable progress goals come before or after attribution and "fair-share" determinations? This is a chicken-egg situation, and should be addressed
- A key goal of the protocol is to facilitate the consultations so there is common understanding and agreement on meaning of analyses and interpretation of data.
- Reasonable progress may not always be Uniform Rate of Progress. If upwind state has adopted reasonable control measures, but may not have reach it's share of uniform rate of progress, it should be recognized that a downwind state shouldn't be expected to make up any gap with un-reasonable control measures. The consultation process should enable resolution,

It was suggested that Tom Webb head up a small workgroup within the IWG to write another draft with the identified suggestions and questions to be addressed.

2. May 24-25 IWG meeting (See Appendix B)

- The session on control strategy analysis should have some examples of how a state might arrive at additional control measures, not just BART, to come to reasonable control measures. Ask a state (CO, CA) for how they did this. Anticipate something like a top-down strategy analysis.
- Some recent source additions and control measures may not be included in modeling. These should be things like post 2004 oil & gas development. The modeling used the data provided by state agencies, with close consultation to be sure it is current, as of 2004. Post-2004 changes should be included in future control-case analyses.
- Although we may not want to spend a lot of time at the meeting on Part of agenda will include discussion of states' priority for non-EGU BART, and non-BART sources to select for control strategy scenarios for 2018 model runs. There is interest from the Stationary Sources Forum to address this also.
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Bob Lebens will get out another draft of the agenda, based on suggestions here.

3. Technical Training, Attribution of Haze, Technical Support System, Weight of Evidence

- This training is scheduled for April 27-on TSS, including emissions, monitoring, modeling and attribution. Format will include hands-on practical exercises, using the system as it is developed at the time.
- Geared to planners.
- Think about another training opportunity later on in the year, for those who may not be able to make the April date, or who need a refresher.

Tom Moore will draft an agenda for the training

4. BART updates

- N Dakota is planning to submit a separate, stand-alone BART SIP by December of this year. The ND BART rule defines BART, self-determination requirements, other ancillary monitoring and reporting requirements. Emissions reductions from BART will be included in RH SIP. Reasons for separating the BART component are to get rapid emission reductions from the BART sources. create room for growth., ND needs to develop rule to capture non-BART sources.

Dana Mount will send the draft BART rule out to the group.

- MT is also on track with a BART rule. It is available on a website.
- WY is unsure that BART rule is needed to compel analysis and controls. Others??
- AK figuring out whether it has BART-able sources, but is pushing a rule forward to deal with any BART sources identified, once BART analyses are done.
- CA has been asked by a local district whether a Title V permit be re-opened to add a retrofit control requirement equivalent to BART, and not have to go through a rule? Suggested that OR may be doing something similar.

Appendix A

WESTERN REGIONAL HAZE STATE IMPLEMENTATION PLANS STATE & FEDERAL PROTOCOL

FIRST DRAFT
January 2006

I. PURPOSE

The purpose of the protocol is to ensure efficient and effective coordination among western states and federal agencies involved in developing Regional Haze State Implementation Plans (SIPs) over the next two years. The protocol focuses on the collaborative process, clarifying respective roles and responsibilities, and defining commitments and expectations. While intended as a guidance document, agency representatives should agree to follow the approach and standards contained herein. The signatories may periodically update the protocol, based on consensus, to reflect current information and experience.

II. BACKGROUND

Each state must submit a Regional Haze SIP to the U.S. Environmental Protection Agency (EPA) by December 2007. The goal of the plans is to protect and improve visibility in 156 federally designated national parks and wilderness areas (i.e., Class I areas) in the United States. These SIPs are the first set of plans, covering a 10-year planning period (2008-2018), to make progress toward the long-term goal of attaining natural visibility conditions in each Class I area by 2064.

A. WESTERN CONTEXT

A major challenge for state and federal agencies is to ensure that separate Regional Haze SIPs result in a regional plan that will improve visibility at each of the 118 national parks and wilderness areas across the West. Fifteen western states, including Alaska and Hawaii, must submit SIPs to four EPA regional offices (Regions 6, 8, 9 and 10). Complicating western efforts is the fact that ten states are developing plans to meet the national requirements of the Regional Haze Rule (Section 308), while five states have chosen to submit plans under a set of optional requirements (Section 309). In addition, EPA Region 10 is developing and implementing a Federal Implementation Plan (FIP) for the State of Washington. Moreover, because SIPs must address any haze causing pollutant, some states with non-attainment areas (e.g., California) must integrate their haze plans with their plans for 8-hour ozone and

particulate matter. Please refer to *Western States Approach to Regional Haze Plans* (Attachment 1).

B. REGIONAL PLANNING ORGANIZATIONS

Due to the regional nature and complexity of the plans, which address long-range transport and cumulative impacts of air pollution, close collaboration among state and federal agencies is essential. To support this inter-agency effort, EPA has established five Regional Planning Organizations (RPOs) to assist states in conducting the technical and policy analyses to provide a common basis for the individual SIPs. In the West, this organization is the Western Regional Air Partnership (WRAP). As with the other four RPOs, the WRAP is co-chaired by state and tribal representatives, and functions as a stakeholder process to ensure a consensus approach to environmental decision making. For more information on the WRAP refer to *www.wrapair.org*.

C. COGNIZANT AGENCIES

The primary federal agencies responsible for overseeing the states' regional haze plans are the EPA and Federal Land Managers (FLMs). The FLMs mandatory Class I federal areas in the West include the National Park Service (NPS), U.S. Forest Service (USFS), Fish and Wildlife Service (FWS), and Bureau of Land Management (BLM). Please refer to the *List of Regional Haze Contacts for Federal Agencies* (Attachment 2).

D. ROLES AND RESPONSIBILITIES

Western state and federal air quality agencies have a legal responsibility to ensure the SIPs result in an effective Regional Haze Program. In general, FLMs manage Class I areas, and protect visibility as a critical value. States are responsible for maintaining or achieving federally required visibility standards. EPA oversees the states and FLMs to ensure compliance with federal rules. Roles and responsibilities of the cognizant agencies are described in more detail below.

EPA: EPA is the Agency responsible for acting on the SIPs by approving or disapproving the plans. This determination is based on whether the plans meet the regional haze rule requirements and provide for an effective regional program. EPA regional offices must independently review the adequacy of SIPs in its public rulemaking process, and consider all comments in determining if a plan meets applicable requirements. EPA national offices also review the plans, primarily for national consistency and legal precedent.

FLMs: FLMs have a critical role in protecting air quality in national parks and other federally protected areas. In fact, FLMs have an affirmative responsibility to protect air quality related values, including visibility, in all Class I areas (40 CFR Section 51.166(p)(2)). In addition to the NPS's broad responsibility for air quality in all Class I

areas, the USFS, FWS and BLM have special authority for designated Class I areas within their purview. These areas are noted in Attachment 2.

States: Western States, prior to public review and EPA action, are required to consult with FLMs and neighboring states to ensure the individual state plans collectively achieve reasonable progress in each Class I area. While WRAP is the designated forum for collaboration, states and FLMs may need to establish a separate process to ensure an effective, efficient and timely review of all SIPs.

Tribes: Tribal governments are responsible for coordinating with federal and state governments to protect air quality, and to ensure their sources meet federal requirements. While western tribes do not have mandatory Class I federal areas, and are not required to submit Tribal Implementation Plans for regional haze, sources are located on tribal lands and emissions from other sources may impact tribal air quality. In cases where a source on tribal lands is subject to control to reduce impacts on visibility, a Tribal Nation, under the Tribal Authority Rule, may submit a plan for that source. In cases where a tribe chooses not to submit a plan, the federal government may produce a Federal Implementation Plan for that source as necessary and appropriate.

III. GOALS & OBJECTIVES

The shared goal of the state and federal agencies, in planning and coordinating their activities, is to produce effective regional haze SIPs that meet all federal requirements. A number of important objectives support this goal as outlined below.

A. ENVIRONMENTAL PROTECTION

- ii SIPs ensure reasonable progress to improve visibility in all western class I areas;
- ii SIPs are legally defensible, federally enforceable and consistent with applicable legal requirements; and
- ii SIPs do not set a negative legal precedent in any area.

B. REGIONAL COLLABORATION

- ii SIPs reflect collaboration with other states, tribes, and federal agencies;
- ii SIPs reflect results of consultative process with FLMs;
- ii SIPs reflect inter-state agreement on reasonable progress goals and respective contributions to reasonable progress; and
- ii SIP development and review process is an efficient use of resources.

C. REGIONAL CONSISTENCY

- ï SIPs incorporate WRAP products, strategies and control measures;
- ï SIPs have consistent technical support documentation;
- ï SIPs have coordinated goals and strategies for a given Class I area;
- ï States identify early on where SIPs deviate from model rules and templates;
- ï FLMs are consistent in reviewing and commenting on SIPs; and
- ï EPA regional offices are consistent in evaluating and acting on SIPs.

IV. CONSULTATION REQUIREMENTS

States have a high level of accountability to each other and the FLMs in the regional planning process. While collaboration on the SIPs occurs frequently across many agencies and organizational lines, the Regional Haze Rule requires consultation in three areas highlighted below. These areas are setting reasonable progress goals (RPGs), coordinating emission management strategies, and ensuring FLMs have an opportunity to influence the plans. Through these requirements, EPA wants to ensure that all regulatory parties with a duty to protect a Class I area share the responsibility for that area in a state's plan. The result is a plan based on a more integrated and holistic effort to improve visibility, and supported by the FLMs.

Reasonable Progress Goals: "In developing each reasonable progress goal, the State must consult with those States which may reasonably be anticipated to cause or contribute to visibility impairment in the mandatory Class I Federal area. In any situation in which the State cannot agree with another such State or group of States that a goal provides for reasonable progress, the State must describe in its submittal the actions taken to resolve the disagreement. In reviewing the State's implementation plan submittal, the Administrator will take this information into account in determining whether the State's goal for visibility improvement provides for reasonable progress towards national visibility conditions" (51.308(d)(1)(iv)).

Long-Term Strategy: "Where the State has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area located in another State or States, the State must consult with the other State(s) in order to develop coordinated emission management strategies. The State must consult with any other State having emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal area within the State" (51.308(d)(3)(i)).

State and Federal Land Manager Coordination: The State must provide the Federal Land Manager with an opportunity for consultation, in person and at least 60 days prior to holding any public hearing on an implementation plan (or plan revision) for

regional haze required by the subpart” (51.308(i)(2)). This consultation includes the opportunity to discuss:

- ï Assessment of visibility impairment in any mandatory Class I area;
- ï Recommendations on the development of Reasonable Progress Goal; and
- ï Recommendations on implementation of strategies to address visibility impairment.

Further, a State must include in its SIP a description of how the State addressed any comments provided by the FLMs (51.308(i)(3)). The SIP must also include procedures for continuing consultation between the State and FLMs on implementation of visibility protection program, including development and review of SIP revisions and 5-year progress reports, and any other program having potential to contribute to visibility impairment in Class I areas (51.308(i)(4)).

V. PRINCIPLES OF COLLABORATION

Given the complexity of this joint effort, state and federal agencies agree to the following set of principles, which clarify their commitments and expectations for working together. Productive and efficient collaboration on initial development and periodic review and revision of the SIPs requires all parties to coordinate and communicate in an effective and timely manner. These general principles provide for a common understanding in five key areas: decision making, accountability, consultation, coordination and guidance.

Ultimately, the state in which the Class I area is located has the authority to decide the contents of its plan for those areas. However, each state must acknowledge disagreements and explain discrepancies if separate plans for the same area are not complementary. The WRAP will track progress on negotiations, and document agreements and disagreements, to ensure states are aware of what explanations the respective plans require.

A. DECISION MAKING

- ï Consensus is the preferred method for making mutual decisions on a Class I area.
- ï WRAP has primary responsibility to facilitate technical and policy decisions.
- ï Each state is responsible for making decisions on the contents of its SIP.

B. ACCOUNTABILITY

- ï States have a greater level of accountability to each other in regional planning.
- ï States must notify any tribe and FLM which may be impacted by its SIP.

C. CONSULTATION

- ï States formally consult with other states that have emissions impacting the same area.
- ï Each state is responsible for consulting with FLMs on its plans and goals for the management of affected Class I areas.
- ï States consult with any tribe (or with EPA in lieu of the tribe) which has a source of emissions that impact a Class I Area in the State.
- ï States must document the consultation process in its SIPs.

D. COORDINATION

- ï State and federal agencies participate in WRAP as the primary means of coordination.
- ï All parties identify issues early in the process, work collaboratively to resolve them, and clearly communicate their resolution.

E. GUIDANCE

- ï EPA provides timely guidance and feedback to states and FLMs.
- ï FLMs provide comments on draft SIPs in timely and efficient manner.

VI. PROCESS FOR COLLABORATION

State and federal agencies agree to develop a process within the WRAP to adopt a targeted approach for collaboration. Regulatory parties would focus their collective resources on Class I areas that require a higher level of consultation, and streamline coordination on areas where the plans are more straightforward. This approach necessitates developing criteria to target high priority Class I areas, or clusters of areas. Once priority areas are established, parties may want to identify the principle parties involved, and develop a sequenced time line for negotiations based on state legislative schedules and other factors. The outcome of this process is a general consensus on the environmental profile of a given Class I area, or cluster of areas, and who needs to do what by when to protect or improve visibility. Some key concepts in this process are discussed below.

Key Requirements: For each Class I area, or cluster of areas, states, in consultation with their federal and tribal partners, should agree on four key planning requirements: 1) Visibility Conditions; 2) Sources and Control Strategies; 3) Reasonable Progress Goal; and 4) Long-Term Strategy. Reaching agreement on these requirements (i.e., an area's planning profile) would form the basis for a consensus regarding a state's plan. See *Class I Area Profile* for a more detailed outline of the key requirements (Attachment 4).

Targeted Approach: A targeted approach should focus on those areas impacted by emissions from more than one state. These areas are likely the most complex and contentious due to the number of parties involved in the negotiations, and number of

sources of haze. Among these areas, some are potentially more critical than others depending on whether additional control measures are needed or perhaps more in-depth analysis of the situation.

Criteria: In addition to multi-state impacts, other unique Class I areas, or clusters of areas, may require special consideration. Additional criteria may include areas where the haze has unique characteristics due to chemical composition, unusual sources, complex meteorology, or other unusual factors. In cases where a Class I area appears to have singular issues, regulatory parties may want to conduct separate negotiations or group similar yet independent areas together to ensure a consistent approach.

Thresholds: A possible step in developing a list of areas with multi-state impacts is reaching agreement on a threshold level of a state's contribution to haze. While the rule does not specify levels of impact for this purpose, parties may want to negotiate an agreed upon level of emissions or a percentage of deciviews to determine a state's involvement in the plan for a particular Class I area.

Process Management: States, tribes, and federal members of the WRAP need to define clearly the roles and responsibilities of all participants in this collaborative process. These participants include regulatory parties, various WRAP work groups and committees, and the services of the WRAP co-chairs – Western Governors Association and National Tribal Environmental Council.

VII. SCHEDULE

This section of the protocol depends on the outcome of developing a process such as the one described above, combined with the anticipated results of the many technical and policy efforts within the WRAP. As envisioned, the schedule would establish major planning objectives or milestones over the period of time up to the December 2007 deadline. The milestones would include a mix of policy and technical objectives based on the timing of WRAP deliverables and the needs of the states. Given that state legislatures operate on different schedules, the focus of these efforts may have to shift back and forth over time.

[NOTE: THIS IS A PRELIMINARY AND INCOMPLETE OUTLINE
TO ASSIST US IN DEVELOPING A PROCESS AND SCHEDULE]

PHASE ONE: DEVELOP SIPs

January 2006 - December 2006

A. SUPPORT DOCUMENTS

- ï State & Federal Protocol
- ï 308 SIP Template
- ï 309 Strategy
- ï Technical Support Documentation
- ï Policy documents
- ï Policy and technical tools
- ï

B. CLASS I AREA PROFILES

- ï Visibility conditions
- ï Sources of haze
- ï Pollutant mix
- ï Reasonable progress goals
- ï Visibility benefits from existing/known sources
- ï Areas impacted by one state
- ï Areas impacted by more than one state
- ï Control strategies

C. STATE OBLIGATIONS

- ï BART determinations
- ï Alternative programs for SO₂ or NO_x
- ï Emission reduction obligations by state and area
- ï Negotiation of emission budget discrepancies
- ï Regional review of program effectiveness

PHASE TWO: REVIEW DRAFT PLANS

January 2007 - December 2007

- ï States request preliminary review by EPA and FLMS
- ï EPA and FLMS complete review (regional, state by state, area by area)
- ï States address federal comments
- ï States conduct public notice and review
- ï States revise plans
- ï States adopt plans
- ï States submit plans to EPA

WESTERN APPROACH
TO
REGIONAL HAZE PLANS
January 2006

STATE	RH SIP	CLASS I AREAS	EPA REGION
1) Alaska	308	4	10
2) California	308	29	9
3) Colorado	308	12	8
4) Hawaii	308	2	9
5) Idaho	308 or 309(g)	3	10
6) Montana	308	10	8
7) Nevada	308	1	9
8) North Dakota	308	2	8
9) South Dakota	308	2	8
10) Washington	308 FIP	8	10
11) Arizona	309 + 309(g)	12 (4 + 8)	9
12) New Mexico	309 + 309(g)	9 (1+8)	6
13) Oregon	309(g)	12	10
14) Utah	309	5	8
15) Wyoming	309(g)	7	8

List of Regional Haze Contacts for Federal Land Management Agencies
January 2006

FLM	CONTACT	CLASS I AREAS
Bureau of Land Management (BLM)	Scott Archer Senior Air Resource Specialist USDI-Bureau of Land Management National Science and Technology Center Building 50 P.O. Box 25047, ST-180 Denver, Colorado 80225-0047 PH: 303.236.6400 FX: 303.236.3508 scott_archer@blm.gov	Mandatory Federal PSD Class I Areas: Domeland (CA) Hells Canyon (OR) San Gorgonio (CA) Yolla Bolly-Middle Eel (CA)
National Fish and Wildlife Service (NFWS)	Bud Rolofson 303.275.5752	
National Park Service (NPS)	Brain Mitchell 303.969.2819	
United States Forest Service (USFS)	Rich Fisher 970.295.5981	

List of Regional Haze Contacts for EPA
January 2006

OFFICE	CONTACT	PHONE NUMBER
Region 6	Joe Kordzi	
Region 8	Laurel Dygowski	
Region 9	Tom Webb	
Region 10		
OAQPS		
OAR		
OGC		
CAMD		
OECA		
ROLE	CONTACT	PHONE NUMBER
National Program Coordination		
Regional Office Coordination		
Grant Project Officer		
Regional Haze Policy		
Technical Advice		
Market Trading		

CLASS I AREA PROFILE

January 2006

A. VISIBILITY CONDITIONS (for most and least impaired days)

- ï Establish current/baseline visibility conditions
- ï Determine natural background visibility conditions
- ï Project visibility conditions in 2018 (based on existing and known control programs)

- ï Calculate number of deciviews by which baseline conditions exceed natural conditions

B. SOURCES AND CONTROL STRATEGIES

- ï Identify man-made sources of haze
- ï Develop control measures
- ï Evaluate sources to control based on four factors
- ï Determine what measures are reasonable
- ï Consider trading program for SO₂ and NO_x

C. REASONABLE PROGRESS GOAL

- ï Establish uniform rate of progress (glide path) from current to natural conditions in 2064
- ï Determine visibility conditions in 2018 (based on existing, known and planned controls)
- ï Reconsider other sources and controls if appropriate
- ï Set a reasonable progress goal
- ï Explain relation of RPG to uniform rate

D. LONG-TERM STRATEGY

- ï Identify Class I areas for which more than one state is “reasonably anticipated to contribute to visibility impairment”
- ï Identify states which have an obligation to reduce emissions in those Class I areas
- ï Agree on state apportionment of emission reduction obligations
- ï Coordinate emission management strategies to achieve RPG
- ï Include in SIP all measures necessary to obtain share of emission reductions

LIST OF GUIDANCE DOCUMENTS

January 2006

Reasonable Progress Goals
Natural Background
Best Available Retrofit Technology
EPA Q&A Document

Appendix B
Implementation Work Group Meeting

May 24-25, 2006
Capital Plaza Holiday Inn
Sacramento, California
Draft agenda (3/13/06)

Objective: Review template, refine protocol, examine control strategy options, develop common understanding/application of characterizing interstate haze impacts and the means to achieve reasonable progress.

May 24

- 3:15-3:45 Introductions and status of regional haze planning efforts, all
- 3:45-5:00 Weminuche attribution analysis case study, Curt Taipale

May 25

- 8:00-9:30 SIP Template, interstate coordination provisions, Bob
- 9:30-9:45 Break
- 10:00-11:30 Coordination/Consultation - Developing a common understanding/application of:
 - Analysis of interstate impacts to Class I areas (attribution/contribution)
 - Analysis of 'fair share' of emissions reductions
 - Reasonable progress demonstrations
 - Interstate coordination
 - what SIP demonstration will EPA accept
 - how will the process work in practice
- 11:30-1:00 Lunch (on your own)
- 1:00-2:30 Control Strategy Considerations
BART, roundtable discussion on status of BART
Additional Measures - Control Strategy Options
- 2:30-2:45 Break
- 2:45-3:30 Protocol, Tom Webb
- 3:30-4:30 Other template provisions
- 4:30-5:00 Next Steps