

EPA – Regional Haze Issues

IWG Meeting

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**Reasonable Progress under
51.308 and the WRAP Method
for Determining Reasonable
Progress**

What are "Reasonable" Controls

- "Reasonable" requires a consideration of both the four factors (cost, compliance time, energy & non-air environmental impacts, remaining facility life), as well as the Uniform Rate of Progress (URP).
- "Reasonable" is not limited to what is needed for Uniform Rate of Progress, or by predetermined list of sources or source categories.
- States should consider measures that address all pollutants that contribute to visibility impairment

RPG and the URP

- The Reasonable Progress Goal (RPG) is the result of all "reasonable" controls that can be implemented in the 10-year time frame covered by the SIP.
- For each Class I Area, States must develop emissions control scenarios that achieve the URP by 2018. If the RPG for a Class I area does not achieve its URP, the State must show why the URP is "unreasonable".
- RHR requires the amount of progress to be stated in deciviews.

WRAP Approach to RP

- It would be acceptable to use other progress measures to identify and prioritize sources to control, such as a species-specific approach.

Considerations in using a species specific approach to reasonable progress:

- RP is driven by analysis of source controls, not by e.g. URP, species-specific URP, list of favorite large facilities, etc.;
- Reasonable Progress requirements are regulatory requirements that requires amount of progress to be stated in deciviews
- Good progress for a given pollutant does not excuse a source from reasonable controls that would result in deciview progress

Non-BART Stationary Sources

- States should also consider controls on non-BART stationary sources that contribute to visibility impairment. For example:
 - Sources with $Q/D > 10$
 - $Q = \text{NO}_x + \text{SO}_x + \text{PM}$ (tons/year - PTE)
 - $D =$ distance to nearest Class I area in km

Working with Regional Offices and Other States

- We (states, EPA, WRAP) are all working towards the same end result – Visibility Improvement and SIPs that meet the requirements of the RH Rule and are approvable
- WRAP is based on the spirit of collaboration
- Like other SIP submittals, the Regional offices will be acting on these SIPs

Working with Regional Offices

- The Regional Offices would like to see draft BART analyses and draft SIPs prior to submittal so we can provide input before the SIPs are formally submitted;
- We would like to work with our states as much as possible to address cases where states will not be submitting SIPs on time
- Is there a way that EPA can help with this process?
- The due date for the SIPs is December 17, 2007. We understand some states may be submitting SIPs late, and States should coordinate with Regional offices on this issue

Do commitments “count?”

- Depending on the specific situation, there is a *possibility* that EPA may consider a State's commitment to adopt measures in the future in determining whether the State's regional haze SIP demonstrates reasonable progress or that the long-term strategy is adequate.
- A commitment *to consider* additional control strategies in the future will not be a factor in deciding whether its regional haze SIP is adequate.
- Discuss any plans to use commitments with your EPA Regional Office.

Type of Commitments

Conditional Approvals

- EPA may approve SIPs with commitments to adopt specific enforceable measures.
- The commitment must include *a date certain* for when the measure will be submitted as a SIP revision. Such date should be as soon as is feasible, but in no case may it be later than 1 year after EPA's conditional approval.
- Failure to meet this commitment will result in automatic disapproval of your SIP.

Type of Commitments

Enforceable Commitments

In limited circumstances, EPA has allowed the use of enforceable commitments in attainment SIPs where it found that unique circumstances warrant their use.

EPA considers 3 factors in determining whether to approve enforceable commitments:

- Are the commitments limited in scope?

Type of Commitments

- Is the State capable of fulfilling the commitment?

For example, does the regulatory agency have the requisite authority to adopt the measures or is legislative authorization required?

- Is the commitment for a reasonable and appropriate period?

What factors support the use of enforceable commitments rather than adoption of control measures in the SIP?

Working with Other States

- We understand WRAP's role in consultation and also know states will have to consult one-on-one
- We are concerned that some of the one-on-one consultation may not be occurring but this may be a result of where states are in their process
- 51.308(d)(1)(iv): Situations when states do not agree on RP goals:
 - States must document in its SIP the actions taken to resolve the disagreement and EPA will make decision when the SIP is submitted