



May 6, 2003

The Honorable Christie Todd Whitman  
Administrator  
U.S. Environmental Protection Agency (1101A)  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Whitman:

The Western Regional Air Partnership (WRAP) requests that EPA update Section 309 of the Regional Haze Regulations to reflect the current situation relative to mobile source emissions in the West. The approach to mobile sources currently included in Section 309 is based on recommendations of the Grand Canyon Visibility Transport Commission (GCVTC) that are now outdated because of new mobile source emissions models and new federal engine and fuel standards adopted by EPA since the Commission made its recommendations in 1996.

The WRAP's suggested revisions update section 309 requirements to conform with expected trends in mobile source emissions. They also eliminate certain mobile source requirements which are now unnecessary, and add a substitute requirement for sulfur dioxide emissions from non-road mobile sources that would take effect if EPA's recently proposed standards for sulfur in non-road diesel fuel are not adopted.

Specifically, the requested revision would eliminate §51.309(d)(5)(ii) and (iii) and modify the provisions of §51.309(d)(5)(i) to require a showing of continuous emission reduction of total mobile source emissions of VOC, NOx, PM2.5, organic carbon and elemental carbon (evaluated separately) over the period 2003-2018. For SO2, the requested correction would require an implementation plan revision by no later than December 31, 2008 containing any necessary long-term strategies to reduce emissions of SO2 from non-road sources in the event that EPA does not adopt a federal standard as recently proposed. Specific regulatory language to implement these suggested changes is included in Attachment 1.

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EPA's Regional Haze Rule currently requires states that choose to submit plans under Section 309 to provide for: "A determination whether mobile source emissions in any areas of the state contribute significantly to visibility impairment in any of the 16 Class I Areas, based on the statewide inventory of current and projected mobile source emissions" (51.309(d)(5)(ii)).

If mobile source emissions in any area of the state are found to contribute significantly to visibility impairment in any of the 16 Class I areas, the rule requires: "The establishment and documentation of a mobile source emissions budget for any such area, including provisions requiring the state to restrict the annual VOC, NO<sub>x</sub>, SO<sub>2</sub>, elemental and organic carbon, and/or fine particle mobile source emissions to their projected lowest level, to implement measures to achieve the budget or cap, and to demonstrate compliance with the budget." (51.309(d)(5)(iii)(A)).

These provisions are based on the GCVTC's recommendations for mobile sources. The GCVTC was concerned because their modeling of mobile source emissions showed emissions reaching a low point in 2005 and then increasing.

Due to new mobile source emissions models and, more importantly, new federal engine and fuel standards adopted by EPA since the Commission made its recommendations in 1996, the WRAP's current emissions projections indicate a significant decline in mobile source emissions throughout the West during the 2003-2018 time period covered by the Section 309 plans. This trend is especially dramatic for on-road mobile source emissions.

While we also project emission reductions from non-road mobile sources (except SO<sub>2</sub>), the reductions are not as great. By 2018, in the absence of new standards for non-road diesel engines and fuel, such as those recently proposed by EPA, the contribution to visibility impairment in the West from non-road sources will be much greater than that from on-road sources. For this reason, the WRAP supports expeditious implementation of rigorous new engine and fuel standards for non-road diesel sources that are similar in stringency to those for on-road sources.

Regarding SO<sub>2</sub>, the WRAP has found that current federal regulations for on-road gasoline and diesel fuel provide the most effective level of control possible at this time. On the other hand, the WRAP has found that SO<sub>2</sub> emissions from non-road mobile sources will continue to be of concern in the absence of a federal standard for non-road diesel fuel. Since EPA has proposed new federal standards to address this problem, the WRAP's suggested update to Section 309 postpones action as part of the plans due this year, but requires states to submit an implementation plan revision by no later than December 31, 2008 containing any necessary long-term strategies to reduce emissions of SO<sub>2</sub> from non-road sources, consistent with the goal of reasonable progress. This requirement is intended to

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ensure that states work to reduce current levels of SO<sub>2</sub> from non-road sources as part of their regional haze plans if EPA does not adopt a federal standard as recently proposed.

In the event that EPA does pass a federal sulfur standard for non-road diesel fuel, the WRAP does not believe that the resulting emission reductions should be allowed to be used to offset emissions from other sources that are contributing to haze in the West.

Given that Section 309 plans are due at the end of this year, we are hopeful that EPA will be able to work with the Office of Management and Budget to make this revision to the rule on an expedited basis. We appreciate your assistance with this request and will certainly provide any additional information EPA may need.

Sincerely,



Michael O. Leavitt  
Governor of Utah  
WRAP Co-Chair



Fred S. Vallo, Sr.  
Governor of Pueblo of Acoma  
WRAP Co-Chair

cc: Mr. Jeffrey Holmstead, EPA  
Ms. Lydia Wegman, EPA

**Attachment 1:  
Proposed Revised Rule Language**

CFR 51.309(d)(5) Mobile sources. The plan submission must provide for:

- (i) Statewide inventories of on-road and non-road mobile source emissions of VOC, NOx, SO2, fine particles (PM-2.5), elemental carbon, and organic carbon for the years 2003, 2008, 2013, and 2018.

The inventories must demonstrate a continuous decline in total mobile source emissions (on-road plus non-road; tailpipe and evaporative) of VOC, NOx, fine particles (PM-2.5), elemental carbon, and organic carbon, evaluated separately. If the inventories show that mobile source emissions of each of these pollutants will continuously decline over the period, no further action is required as part of this plan to address mobile source emissions of these pollutants. If the inventories show that mobile source emissions of one or more of these pollutants will not continuously decline over the period 2003-2018, the plan submission must provide for an implementation plan revision by no later than December 31, 2008 containing any necessary long-term strategies to achieve a continuous decline in mobile source emissions of the pollutant(s), to the extent practicable, considering economic and technological reasonableness and applicable state authority.

The plan submission must also provide for an implementation plan revision by no later than December 31, 2008 containing any long-term strategies necessary to reduce emissions of SO2 from non-road mobile sources, consistent with the goal of reasonable progress. In assessing the need for such long term strategies, the state may consider emissions reductions achieved or anticipated from any new federal standards for sulfur in non-road diesel fuel.

Delete 309(d)(5)(ii) and (iii) and the definition of mobile source emissions budget found at 309(b)(6).

Definition of continuous decline: The emission inventories submitted as part of this plan must show that statewide mobile source emission levels (on-road plus non-road) of each listed pollutant in 2008, 2013, and 2018 are less than the estimated level of that pollutant for the previous period (i.e., 2008 less than 2003; 2013 less than 2008; and 2018 less than 2013).