WESTAR
Western States Air Resources Council

November 21, 2025

Administrator Lee Zeldin
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Submitted Electronically to Docket ID No. EPA-HQ-OAR-2025-1477, Advance Notice of Proposed Rulemaking: Visibility Protection: Regional Haze State Plan Requirements Rule Revision

Dear Administrator Zeldin:

All Western States Air Resources Council (WESTAR) members, except for Wyoming, formally submit these comments for EPA's Advance Notice of Proposed Rulemaking (ANPRM) for Regional Haze. We appreciate the opportunity to help develop a revised Regional Haze Rule (RHR) in preparation for the third round of planning and beyond. WESTAR notes that many of the questions and ideas in the ANPRM incorporate past comments and input from the fifteen western states. We also note the detail and complexity of the questions and ideas. While our member states may have clear preferences for one approach over another, the complexity and scope of these policy and technical shifts make it difficult to fully assess the details and potential impacts, or to provide a simple yes-or-no response in this letter. Given this complexity, WESTAR recommends EPA continue dialogue with states regarding rule revisions, as was successfully done in 2016 when EPA was contemplating revisions to the RHR prior to the second planning period. EPA engaged with states and Federal land management agencies to create a suitable metric to replace the worst days metric used in the first planning period. The Most Impaired Days metric, which resulted from those meetings, was not perfect but better accounted for nonanthropogenic visibility impairment in the monitoring data, helping states focus more on the anthropogenic causes of haze in the second round of planning. While the process required time and effort for EPA, state, and local air agencies, it was well worth the effort for everyone involved in regional haze planning. WESTAR recommends that EPA engage in similar discussions with states and locals for each topic area in this ANPRM. These discussions would lead to a better rule that provides clarity, predictability, and stability to the regional haze program.

Because discussions of this nature may slow the process of promulgating a final rule revision, WESTAR recommends that EPA quickly finalize the proposed rule to extend the deadline for the third planning period from 2028 to 2031.[1] As stated in our comments on that proposed rule, during the second implementation period, WESTAR states followed a four-year planning schedule. Following this same

[1] Regional Haze Third Implementation Period; Extension of the State Implementation Plan Due Date. 89 FR 104471 (2024). https://www.federalregister.gov/d/2024-30212

timeline under the current rule's deadlines, we would have started planning for the third implementation period in early 2024.

Extending the deadline will give western states sufficient time to complete SIPs if the subsequent rule revisions streamline the process and are finalized by early 2027.

In addition to our recommendation that EPA engage the states more fully as part of this rule revision and extend the third planning period deadline, WESTAR submits the following comments in response to questions in the ANPRM.

Topic 1: Development and implementation of a reasonable progress metric and consideration of the four statutory factors

Over the past 20 years, the success of air quality regulations and programs in improving visibility has been evident and deserves recognition. Health-based federal, state and local air quality standards and regulations have accelerated visibility improvements, perhaps beyond initial expectations when the RHR was first implemented. Many Class I areas are well below the current glidepath indicating that visibility in those areas is already quite good. Recognizing and coupling the progress in reducing regional haze with the need to simplify the planning process, EPA should consider less burdensome planning requirements for Class I areas with monitored visibility below the glidepath and modeled future visibility on or below the glidepath.

1. Are there alternative approaches through which the EPA and/or states can meet the CAA section 169A(g)(1) requirement to consider the four factors in determining reasonable progress?

Potential alternative approaches may include:

a. *The EPA could develop a reasonable progress metric, consistent with CAA section 169B(e)(1), considering the four factors. If a Class I area does not achieve reasonable progress with measures already in the regulatory portion of the SIP for a particular time period, the rule could establish a process by which states would conduct more detailed analyses.*
b. *The EPA could develop a reasonable progress metric, consistent with CAA section 169B(e)(1). If a Class I area does not achieve reasonable progress with existing measures previously incorporated into the SIP, states would need to further consider the four factors to either identify necessary controls or demonstrate that the EPA reasonable progress metric is too ambitious.*
c. *Another potential approach could be for the EPA to complete a more comprehensive analysis of the projected visibility impacts of current measures, as well as potentially available additional measures, at Class I areas.*

The alternate approaches outlined in the ANPRM are useful suggestions; however, WESTAR members request that EPA work closely with states to further refine the details of these approaches. In WESTAR's past comments, and considering the questions in the ANPRM, WESTAR agrees that current regulations and guidance that established the Uniform Rate of Progress (URP) to measure visibility toward Natural Conditions should be reexamined and simplified, such as the definition of Natural Conditions, the calculation of the Most Impaired Days (MIDs) metric, and the use of deciviews to measure visibility.

While the URP has limitations (e.g., includes impacts from nonanthropogenic emissions), it provides a useful threshold for tracking progress when there are no complications posed by natural sources. WESTAR recommends that EPA maintain but simplify the URP, making it a bright-line "safe-harbor" test, discussed further in Topic 2 of the ANPRM. States would monitor Class I areas' progress against the URP glidepath and submit plans, similar to NAAQS maintenance plans, documenting existing federally enforceable programs and emissions reductions. Areas meeting the URP would not require a SIP revision; areas not meeting the URP would need additional analysis and source control evaluations using the four statutory factors. This brightline test would not be appropriate in some cases unless an effective method is established to screen out visibility impacts from natural sources. For example, the URP would not be appropriate for Hawaii based on EPA's current approach to screen out volcanic sulfate impacts. However, Hawaii used a method to screen out volcanic sulfates from the IMPROVE data in its Regional Haze Progress Report for the second planning period. EPA should consider allowing use of Hawaii's screening approach.

The approaches outlined in the ANPRM require close collaboration between EPA and the states. For example, if EPA were to develop a reasonable progress metric and require states to conduct more detailed analyses if Class I areas do not achieve progress with measures already in the long-term strategy (LTS), then, EPA must collaborate with states to understand how conducting a comprehensive analysis of the projected visibility impacts of current and potential additional measures at each Class I area would function in practice. One tool that could support this process, as WESTAR has noted in prior comment letters, is a Weighted Emissions Potential/Area of Influence (WEP/AOI) analysis. This approach ranks sources based on their influence on a Class I area not making sufficient progress. Sources on the rank point list that have already been evaluated for Regional Haze controls or that have installed controls for compliance with health-based standards (RACM, RACT, BACM, BACT, or LAER) may be considered "well-controlled" for the purposes of the RHR in each planning period, provided states document these sources. For sources that are not considered well-controlled, a four-factor analysis would be appropriate.

Sources within the AOI that are not already well-controlled should be the focus for looking at potential control measures via a four-factor analysis. Sources outside the jurisdiction, such as mobile sources, sources on Tribal land, or sources within another state, do not require additional control measure analysis, though consultation with the Tribe or neighboring state is recommended. Sources under federal control should be documented in the SIP. Also, as part of the four-factor analysis, EPA should clarify in rule and guidance how reasonable progress for area sources should be evaluated using the statutory four-factor analysis.

Similarly, EPA would need to collaborate with states on what the fine details of approach "c" may be. While WESTAR's previous comment that the URP should be used as a bright line based on monitoring and modeling is consistent with approach "c" in Topic 1 of EPA's ANPRM, some modifications are needed. EPA suggests that they would "identify potential available emissions reductions." However, states should be the drivers of this process for sources under their control pursuant to the CAA, not EPA.

EPA's statement in approach "c" that it will complete a more comprehensive analysis of projected visibility impacts from current and potential additional measures could be taken to mean EPA would conduct photochemical modeling to assess expected improvement. WESTAR has previously commented - and agrees - that EPA conduct the necessary modeling; however, we note again that model performance is

an issue, and in Alaska and Hawaii, it is either unavailable or highly inaccurate. In Alaska, much of the data needed for modeling isn't available, which has been a barrier to Alaska's use of modeling for RHR SIPs. In both Alaska and Hawaii, SO_2 emissions from volcanic activity overwhelm monitoring and modeling, making it difficult to accurately identify anthropogenic emissions.[2] WESTAR therefore recommends that EPA conduct modeling for the entire country, and work with Alaska and Hawaii to improve emissions data and, hopefully model performance, with source apportionment modeling for each state's sources. In Hawaii's case, EPA should determine if a reasonable progress metric based solely on four-factor analyses is a sufficient planning proxy for Hawaii's RHR SIP.

In all approaches, WESTAR recommends that state LTS planning rely first on federal, state, and local regulations already in place, and that states drive the evaluation of additional RHR measures for sources under their jurisdiction. EPA should drive evaluation and control of sources under their jurisdiction. EPA must collaborate with states to refine these approaches and make sure they meet the statutory requirements while maintaining flexibility for states.

Although not specifically addressed in the ANPRM, WESTAR recommends that, regardless of how the reasonable progress metric is designed, it should not establish a minimum cost threshold for evaluating controls using the four-factor analysis. Doing so would be counterproductive. States have seen that when sources know the cost threshold before conducting a four-factor analysis, they inflate the cost of controls to exceed that threshold. Additionally, cost is only one element of the analysis; the other statutory factors should be given equal weight in determining whether a control is reasonable. Cost evaluation should align with other CAA programs (e.g., RACT/RACM and BACT/BACM). EPA could provide guidance similar to the Control Technique Guidelines and Alternative Control Technique documents to assist air agencies in determining reasonable progress controls.

EPA could require states to perform their initial cost analysis using consistent parameters such as standardized discount rates, control life, retrofit factor, chemical engineering plant cost index (CEPCI), etc. If a source can document why a higher discount rate, shorter control life, or higher retrofit factor is appropriate for their facility, the state could calculate a second $/ton value using the unique circumstances. In Round 2, EPA recommended using the Cost Control Manual; however, this manual must be updated. Having explicit parameters in the rule helps states identify cost-effective controls and still retain their ability to set a cost-effective threshold.

The rule revision should also acknowledge that while a four-factor analysis for reasonable progress is mandated by statute, it does not mean implementing the most advanced and effective control technologies or performing additional analyses on sources that are already well controlled. States should retain the ability to require any control measures they deem appropriate and necessary based on analysis of the four factors, even if their Class I Areas are below the URP. That is, if a state chooses to be proactive about

[2] For Alaska, volcanic emissions may impact all IMPROVE monitors. But Simeonof (SIME1) in the Aleutian Chain, is likely to be the most significantly impacted by volcanic activity due to 3 of the state's active volcanoes being less than 150 miles away (Mount Veniamoff-75 mi NE, Mount Shishaldin-143 mi SW, and Pavloff-55 mi W). Additionally, because of the extreme isolation of the island, volcanic emissions are most likely the only significant visibility impairing source affecting the Class I area. Source: https://avo.alaska.edu/

improving visibility in their Class I areas, they should not be prohibited from requiring controls based on the URP.

2. **What form could a reasonable progress metric take?** *Potential approaches include:*
   a. *Keep the current approach (perhaps with some minor adjustments).*
   b. *Revise the technical considerations that were the basis of the URP framework. Potential revisions could include, but are not limited to:*
      i. *The EPA could change the end date to a year other than 2064, presumably a later year.*
      ii. *The EPA could recalculate the URP every planning period (adjusting for international anthropogenic impairment and international and U.S. prescribed fire)*
      iii. *Develop a completely new concept such as a percent improvement per planning period metric that is not based on the current URP.*

As stated in the comments on question one, WESTAR recommends using the URP as a test for reasonable progress, with periodic reevaluation of Natural Conditions to account for nonanthropogenic environmental changes, such as wildfire, volcanic, and biogenic sources that contribute to visibility impairment. It is also important for some states to retain the option to adjust Natural Conditions based on emissions from international sources and prescribed fires.

In response to approaches raised in the ANPRM, WESTAR offers additional considerations regarding changes to the URP framework. Regarding Topic 2b(i), WESTAR does not support changing the end date to a year later than 2064. This would only lengthen the program, burdening the states with additional planning requirements for a longer period of time. With respect to Topic 2b(ii), we reject the idea of requiring a "percent improvement per planning period metric." Class I areas across the country are topographically, climatologically, and geographically diverse. They are also managed differently due to the varying missions of the land management agencies that oversee them. From primitive, remote wilderness areas where no motorized travel is allowed to heavily visited national parks with modern amenities, the differences in location, access, and visitor impact are important considerations for regional haze planning and achieving the statutory goal. State agencies responsible for developing plans, along with input from federal land managers, have specialized expertise in understanding the unique characteristics of Class 1 areas within their jurisdiction. There is also a diverse array of sources, both anthropogenic and natural, that contribute to visibility impairment in each Class I area. A standard percent improvement cannot account for all this variability.

3. **Should the EPA revise the rule to include a concept akin to a "safe harbor" and what methods should the EPA use to track visibility conditions and determine reasonable progress?** *Potential approaches to track visibility conditions at Class I areas include:*
   a. *Using the ambient data collected through the IMPROVE network.*
   b. *Modeled estimates of U.S. anthropogenic impairment, tracked over time through periodic updated modeling.*
   c. *A combination of ambient data and future projections, which is the current method employed under the 2017 RHR.*

As stated in the previous two questions, WESTAR recommends that the URP be used as a "safe harbor" with appropriate evaluation of natural conditions. WESTAR recommends that EPA use "A combination of ambient data and future projections, which is the current method employed under the 2017 RHR" as

stated in option "c" of question three. It is important to note that States should retain the ability to require any control measures they deem appropriate and necessary based on an analysis of the four factors, even if their Class I areas are below the URP.

4. **Are there recommended alternative metrics to the 20% clearest days and 20% most impaired days to track visibility impairment?** *Potential alternative approaches include:*
   a. *Annual average of ambient visibility impairment (rather than only considering the most impaired and clearest days).*
   b. *A different distribution of days (e.g., the middle quintile - 40th to 60th percentile - of deciviews).*

Determining the planning requirements for each Class I area would require a comprehensive evaluation of the Class I area's monitoring data to show that the Class I area is on track to achieve natural conditions. In the second implementation period, EPA revised the method used to track visibility progress to remove the influence of wildfires and dust storms and focus on the anthropogenic portion of visibility impairment. The method identified the 20% Most Impaired Days (MID), so states could track visibility progress on the days with the highest anthropogenic impairment. However, in the West, the metric did not perform well as there were still MIDs impacted by natural events, specifically wildfire, because smoke can be transported over long distances and from many different wildfires. There were also problems with EPA's approach to screen out natural sulfate impacts in data from Class I areas affected by volcanic activity. EPA should reevaluate the visibility metric to ensure the monitoring data accurately reflects the days most affected by anthropogenic sources. This is especially important since states rely on monitoring data to track progress toward improving visibility in Class I areas. While the MIDs metric does not perform perfectly everywhere, it is preferable to an "average days" metric or other distribution of days because it does attempt to show days that are more impacted by human-caused emissions.

5. **Should the EPA continue to track visibility impairment using IMPROVE ambient data in deciviews?** *Potential alternative approaches to track impairment include:*
   a. *Only extinction values (e.g., inverse megameters).*
   b. *Trends in anthropogenic emissions of visibility impairing precursors.*

The Interagency Monitoring of Protected Visual Environments (IMPROVE) network of air monitors in Class I areas is vital to the Regional Haze Program. Without measurement, it is impossible to determine whether progress in reducing haze is achieved. Established in 1985, the IMPROVE monitors have played an essential and effective part in helping states measure and meet the Regional Haze Program goals. WESTAR recommends that EPA, along with Federal Land Managers (FLMs), must continue to support and build upon the current IMPROVE network to provide more accurate and timely data to states.

While deciviews are a complex concept to explain to the general public, it is the measurement most closely related to visibility perception and should continue to be used as at least one measure for Regional Haze. WESTAR has considered alternative measurements and is open to exploring them with EPA. Other measures, such as visual range, may be helpful for communication; however, we do not recommend requiring them by the rule. In fact, WESTAR recommends that future rule language remove the requirement to establish the RPG in deciviews.

Topic 2: Development of criteria used to determine when a SIP revision is necessary

6. **Does the national visibility goal articulated under CAA section 169A(a)(1) require Class I areas to be at natural visibility conditions (i.e., elimination of all U.S. anthropogenic visibility impairment) or does the goal refer to something less stringent than natural visibility conditions (e.g., achieving a level of impairment that is consistent with no perceptible U.S. anthropogenic impairment)?**

Section 169A(a)(3) directs EPA to "complete a study and report to Congress on available methods for implementing the national goal." In their report to Congress EPA describes the statutory goal in terms of achieving Natural Conditions.[3] While the report does not specify whether the goal could be something less stringent than natural conditions, it does provide useful information on how the statutory goal could be interpreted and how the RHR may be structured in accordance with CAA Section 169A(b)(1). WESTAR does not agree with all the findings in the 1979 Report to Congress, and some of the information is outdated, but the report can still be useful in informing future revisions to the RHR.

WESTAR has previously noted that it is important to recognize the limitations of the glidepath and Natural Conditions. The Natural Conditions endpoint is considered absolute when it represents a calculation of a potential point in time. The calculation did not adequately anticipate changes to the natural environment and increases in wildland fire and is not likely to represent a realistic goal in all Class I areas. In the case of Alaska and Hawaii, the Natural Conditions endpoint is set too low for Class I areas that have always experienced volcanic activity. Therefore, WESTAR recommends that the Natural Conditions calculation method be updated to reflect conditions in Class I areas with the national goal of preventing or remedying visibility impairment caused by U.S. anthropogenic air pollution.

7. **The national goal articulated under CAA section 169A(a)(1) requires both "the prevention of any future and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." Congress adopted the visibility program in CAA section 169A to address existing visibility impairment and the Prevention of Significant Deterioration (PSD) program (CAA section 165) was intended to address (among other things) the prevention of future visibility impairment**.
    a. *What is necessary to address future anthropogenic visibility impairment? For example, is the PSD program sufficient to address the prevention of any future anthropogenic visibility impairment?*

WESTAR believes the PSD program may be sufficient for new and modified major sources. However, additional evaluation is required for major sources that existed before the PSD regulations went into effect and have not had a major modification which exempts these sources from PSD requirements. In addition, because not all sources are subject to PSD, the program does not cover all emissions sources and visibility impairment that can arise from many minor sources in close proximity to a Class I area. WESTAR recommends that EPA consider an all-of-the-above approach in which the PSD program, in

[3] Protecting Visibility: An EPA Report to Congress, (EPA, 1979), 38, Accessed electronically at the National Service Center for Environmental Publications, https://www.epa.gov/nscep.

conjunction with the RHR and other CAA programs, is necessary to address future anthropogenic visibility impairment.

8. **Should the EPA develop a numerical threshold to identify when Class I areas have achieved the national visibility goal?** Potential approaches include but are not limited to:
   a. *Total estimated anthropogenic impairment of 0 deciviews (ambient data and/or model-based).*
   b. *Total estimated anthropogenic impairment of 1 deciview or some other indicator of perceptible impairment (ambient data and/or model-based).*
   c. *Estimated U.S. anthropogenic impairment of 0 deciviews (model-based).*
   d. *Estimated U.S. anthropogenic impairment of less than 1 deciview or some other indicator of perceptible impairment (model-based).*

While WESTAR members were not able to select a preferred approach to establish a numerical threshold to determine when a Class I area has achieved the national visibility goal, we recognize that the options in the ANPRM include several good ideas. Some states indicated that an additional threshold may not be necessary beyond the natural visibility metric adjusted for fire and international anthropogenic emissions.

9. **What types of criteria could the EPA describe to identify Class I areas where sufficient visibility progress is being made during a planning period such that states contributing to those areas would not have any SIP revision, or substantive SIP revision obligations related to those Class I areas (i.e., not account for those areas in their SIP demonstration for that specific point in time)?** Potential approaches include:
   a. *The EPA could determine that a Class I area is achieving reasonable progress based on reasonable progress metric discussed under Topic 1 of this ANPRM.*
   b. *The EPA could develop a "preservation" category that would be defined as a Class I area being at or near natural visibility conditions.*
   c. *The EPA could strictly compare or establish a threshold that defines "close to" natural conditions.*
   d. *The EPA could determine that states with "very small" anthropogenic contributions to any Class I areas meet the statutory and regulatory Regional Haze requirements and no new SIP revision would be required unless visibility in those Class I areas degrades or is projected to degrade.*

Some states considered a metric, such as that proposed under Topic 1 of the ANPRM, as a possible way to identify when Class I areas have made sufficient progress in visibility during a planning period, so that a SIP revision would not be necessary. Such a metric could be established by considering current on-the-books controls and projecting future year emissions using modeling to assess the expected improvement in visibility impairment. Areas projected to be under the glidepath would determine that their on-the-books controls met the statutory four-factor analysis requirement. It would also rely on continued operation and enhancement of the IMPROVE monitoring network at all Class I areas. In western states with multiple Class I areas, some Class I areas may be making progress while others are not. A state SIP might require a different level of analysis for Class I areas not making progress. For Class I areas that are not making progress (e.g., projected to be above the URP), more analysis is required to understand why the area is projected to be above the glidepath, including a closer look at what sources impact the Class I area. Based on the analysis, the state may revise the state SIP to add reasonable control measures that are projected to improve visibility in the Class I area.

The URP, or adjusted URP, should be a bright line of safe harbor in most cases. If, after accounting for all on-the-books emissions reductions, the monitoring data shows that all Class I areas in the state are on or below the URP glidepath, the SIP would not require revision unless a state decided to require a four-factor analysis for specific sources.

10. **What technical analyses and data are needed to inform implementation of potential criteria; who is responsible for developing and analyzing such data; and can commenters identify updated available information from literature and/or recent studies?** *Potential approaches include:*

    a. *Updated estimates of natural conditions and international/prescribed fire adjustments.*
    b. *Ambient data and/or photochemical modeling of visibility impairment at Class I areas.*
    c. *Reduced form tools based on photochemical modeling, similar to those the EPA has developed for other CAA programs, such as PSD permitting.*

WESTAR has recommended in the past that EPA conduct national modeling and technical analyses to inform regional haze planning. This includes updating estimates of natural conditions and international/prescribed fire adjustments (approach "a"). EPA must collaborate with states, locals and FLMs to incorporate local data and knowledge into these analyses.

Regarding photochemical modeling (approach "b"), states have typically relied on photochemical grid modeling (PGM) to project visibility improvement and establish RPGs, because the rule requires RPGs to be stated in deciviews. Despite this requirement, modeling is still needed to understand the visibility of a Class I area at the end of the planning period. The potential use of reduced form tools is promising and may help streamline analysis and support planning decisions. If these tools prove insufficient to reliably estimate future visibility improvements, WESTAR recommends that EPA conduct PGM modeling for the entire country, including appropriate modeling for Alaska and Hawaii, with source apportionment modeling for each state's sources (as mentioned in response to Topic 1, question 1).

11. **Given the significant difference in visibility conditions and progress across Class I areas (e.g., East versus West), how can the EPA ensure reasonable progress is being made at all Class I areas?**

It has long been recognized that visibility conditions and progress vary significantly across Class I areas, not only within individual states, but also between regions, such as the eastern and western U.S. The western states face different challenges than the eastern states, including wildfire smoke, windblown dust, volcanic SO_2, and international emissions. Despite this, many western Class I areas have achieved substantial progress in reducing regional haze. It would be valuable for EPA to examine why progress is uneven across regions. These regional variations, along with differences in states' approaches to achieving reasonable progress, underscore the essential coordinating role of Regional Planning Organizations, (RPOs) such as WRAP, which provide the shared technical foundations and collaborative framework needed for regional haze planning and implementation.

Topic 3: Determining SIP content requirements

12. **Should the EPA maintain the current approach under 40 CFR 51.308(f) to have "planning periods" every 10 years?** *Potential alternative approaches include:*
    a. *Extend the 10-year planning periods to 15-year planning periods.*
    b. *Shift to requiring SIP revisions on an "as needed" basis.*

As stated earlier in our recommendations, WESTAR supports retaining the 10-year planning periods. To prevent a continued backlog of SIPs, we propose that if the deadline for the third planning period is adjusted, then the deadline for subsequent planning periods be adjusted to maintain 10-year planning periods. This will also allow more time for EPA to act on state SIPs. We recommend against shifting to requiring SIPs on an "as needed" basis. Keeping all states on the same planning timeline allows better coordination for a regional program.

13. **The 2017 RHR allows states to include the impacts of other CAA regulatory programs when developing their Regional Haze SIPs (e.g., NAAQS implementation). However, there is some ambiguity to what extent states must make these other CAA regulatory programs federally enforceable within the Regional Haze SIP (i.e., the long-term strategy for Regional Haze). Therefore, how or when should states consider and/or rely upon emissions reductions from other CAA regulatory programs for Regional Haze purposes?**

States should consider other CAA program reductions during the development of the LTS and include these reductions in their reasonable progress goals. If these reductions alone achieve the goal, then no additional source control mechanisms should be required. This also means that states would not need to go through a source selection process to identify sources for further evaluation. An agency's Regional Haze SIP should simply identify these measures and commit to no backsliding. This is in line with Topic 1, question 1. As stated before, WESTAR recommends that EPA continue to pursue emissions reductions from source categories that affect visibility in Class I areas and fall under its 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. In these cases, states must rely on and incorporate EPA programs into their LTS to address emissions from federal sources. 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 and actions that state air agencies have limited regulatory authority to control include wildfire management on federal lands, vegetation management around power lines, international transport of air pollutants, emissions within Class I areas such as mobile sources and dust, and federal installations including military bases. 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 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.

14. **To what extent should states be required to incorporate sources' current emissions measures into their Regional Haze SIP revisions, consistent with the requirements of CAA section 169A(b)(2), in order to obtain "credit" for such reductions as part of their Regional Haze SIP and reasonable progress requirements?**
    a. *What are potential pathways for making existing measures (e.g., permit limitations, statewide emissions management strategies, source-specific consent agreements) federally enforceable in a SIP such that they can be relied upon for the reasonable progress determination under the Regional Haze program?*

In all states, all air quality permits (minor source, PSD, Title V, etc.) are issued in compliance with SIP and Federal Implementation Plan (FIP) approved rules and are therefore already both state and federally enforceable. It is unnecessary and burdensome to include permit conditions in a regional haze SIP. In fact, existing permit conditions should not be included in state RHR SIPs as part of the LTS. Doing so complicates the process of revising permit conditions as it also requires a SIP revision, thus increasing the state's efforts to revise the SIP and EPA's review and decision-making burden. The RHR SIPs should only need to reference these existing measures.

15. **The purpose of the Regional Haze program, as outlined in CAA section 169A(a)(1), is to remedy any existing and prevent any future visibility impairment. How should visibility be considered as a regulatory factor to ensure Regional Haze SIP revisions are evaluated based on visibility improvement at Class I areas?**

As stated in both Sections one and two of these comments, WESTAR recommends that areas on or below the URP glidepath should not require SIP revisions or additional requirements. For these areas, reliance on ongoing state and federal emission reduction programs should suffice as evidence of reasonable progress.

16. **What would the benefits or drawbacks from removing states' requirements under the 2017 RHR to submit a 5-year progress report between SIP revision submittals under 40 CFR 51.308(g)?**

WESTAR recommends that EPA remove the requirement for an intermittent progress report. The progress report is not a statutory requirement. To date, it has had no effect on the visibility improvement in Class I areas. Removing this requirement would help relieve the resource burden for states and EPA.

The timing of both EPA action and data availability are disadvantages to requiring an interim progress report. Under the 10-year planning period timeline, a SIP submitted in 2028 would have EPA approval by 2029. Under this scenario, a state would begin implementing its plan with only four years before an interim progress report would be due in 2033. The rule requires states to evaluate changes in visibility for the most impaired and clearest days for each Class I area. Because the Most Impaired Days and Clearest Days rely on a full year of data, the most recent year of data that could be included in the interim progress report is 2031. This means that the progress report is, in reality, only evaluating progress for two years from when states begin implementing their SIP. If EPA retains the 10-year planning periods, it would allow timely evaluation of the past planning period while also planning for the next.

17. **In what way should the EPA consider revising the Reasonably Attributable Visibility Impairment (RAVI) provisions under 40 CFR 51.302 to ensure CAA objectives are met?**
    Examples of potential revisions are:
    a. *Removing the RAVI provisions entirely*
    b. *Restructuring RAVI by revising the process of FLMs certifying a RAVI for a source (or sources), and what happens after a RAVI is identified.*

WESTAR recommends that the RAVI provision be removed from the RHR. The provision has not been used for many years and was never used during the second planning period. We also believe that as states and FLMs work together this provision becomes obsolete.

18. **The EPA solicits feedback on specific revisions to FLM consultation provisions in 40 CFR 51.308(i), consistent with the CAA, that ensures adequate FLM consultation but does not unnecessarily delay or cause undue burden on states and others engaged in the Regional Haze process.**
    a. *The EPA solicits specific feedback regarding the level of consultation and materials that are needed to fulfill the statutory obligations under CAA section 169A(d). Similarly, the EPA solicits feedback regarding challenges states faced in submitting materials to FLMs to fulfill the consultation requirements.*
    b. *The 2017 RHR requires states to provide FLMs a minimum of 60 days to review Haze SIPs. How much time should states need to provide the FLMs during the opportunity for consultation?*
    c. *How far in advance of the state public comment process should FLM consultation occur?*

WESTAR recommends intentional engagement between states and FLMs at the start of the planning process to identify sources within Class I areas and potential reduction measures. However, we do not recommend changing the overall requirements in the rule. One change that would be helpful is in 40 CFR 51.308(i)(2) where it requires providing an "in-person" consultation. With current technology, effective consultation can happen without requiring it to be "in-person." WESTAR recommends being less prescriptive in the rule to allow for states to offer virtual consultation as well.

19. **The 2017 RHR currently includes an interstate consultation process; however, the CAA itself does not mandate such a consultation. EPA solicits feedback regarding how the EPA could revise or clarify the interstate consultation process (40 CFR 51.308(f)(2)(ii)) states must undergo before submitting a SIP revision to the EPA.**
    a. *Furthermore, what role should the regional planning organizations play in interstate consultation and overall SIP development?*

The interstate consultation process, as it is currently structured in 40 CFR 51.308(f)(2)(ii) is adequate. It is important for states to consult with each other on regional haze matters because it is inherently an interstate, multi-agency program.

Like other regional planning organizations (RPOs), WESTAR-WRAP coordinates work across agencies and regions to make the regional haze planning process more efficient. Efficiency is achieved through pooling resources for technical work and by providing a forum for consultation and coordination. In terms of resources, during the second planning period, WESTAR-WRAP spent nearly $2 million on modeling analysis, and other technical products (data visualization tools, for example) for the 15 western states.

This translated into roughly $130,000 per state. While the modeling analysis is just a part of the work required for a RHR SIP, if each state had to do its own modeling analysis, contracting costs would range from $250,000 to $500,000 for the modeling alone. While cost savings could be realized if EPA performed the modeling with input from the states, the RPO saved each state significant time and money on the second round of planning.

WESTAR/WRAP has a long history of working collaboratively with state and local air agencies, EPA, FLMs, Tribes, and other partners to produce and distribute technical analyses for regional haze planning. WESTAR serves as a trusted forum for consultation and coordination. Since the beginning of the Regional Haze program, WESTAR/WRAP has consistently provided suggestions to EPA on implementing the RHR, contributing to ongoing changes in regional haze planning. WESTAR played a role in organizing interstate consultation during the second planning period. Regional Planning Organizations should be adequately funded to support states in data analysis, training/coordination for SIP development, and interstate consultation.

Sincerely,

Bo Wilkins

WESTAR President