



United States Department of the Interior



FISH AND WILDLIFE SERVICE
National Wildlife Refuge System
Branch of Air Quality
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017

IN REPLY REFER TO:

FWS/ANWS-AR-AQ

November 21, 2007

Mr. William Frederick Durham
Deputy Director
Assistant Director, Planning
Division of Air Quality
West Virginia Department of Environmental Protection
601 57th Street SE
Charleston, West Virginia 25304

Dear Mr. Durham:

On September 21, 2007, the State of West Virginia submitted a draft of the implementation plan describing your proposal to improve air quality regional haze impacts at mandatory Class I areas across your region. This letter acknowledges that the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS) has received and conducted a review of your proposed Regional Haze Rule implementation plan in fulfillment of your requirements under the federal regulations 40 CFR 51.308(i)(2). Please note, however, that only the U.S. Environmental Protection Agency (EPA) can make a final determination regarding the document's completeness, and therefore, ability to receive federal approval from EPA.

As outlined in a letter to each State dated August 1, 2006, our review focused on eight basic content areas, reflecting priorities for the Federal Land Manager (FLM) agencies. For the Department of the Interior, the National Park Service (NPS) was lead agency responding to West Virginia's Regional Haze State Implementation Plan (SIP) and provided comments to you on October 30, 2007. After further review, FWS would like to make a few suggestions towards strengthening the SIP, particularly in terms of regional consistency as outlined in our August 2006 letter. These comments complement the comments provided by NPS and United States Forest Service (USFS).

USFS and NPS each commented on the need to fully address state-to-state consultation both within and outside the Visibility Improvement - State and Tribal Association of the Southeast (VISTAS) Regional Planning Organization (RPO). Consultation is a key component of the Regional Haze program because an emission reduction strategy on a



regional (multi-state) basis can help achieve reasonable progress for many Class I areas at the same time. As such, the FWS believes it is important that West Virginia address the requests made during the consultation process by the Mid-Atlantic/Northeast Visibility Union (MANE-VU) RPO and its respective states.

FWS recommends that West Virginia summarize the letters sent by New Hampshire, New Jersey, and Vermont and the individual response(s) from West Virginia to these states in the narrative of the SIP in Section 10.0 "Interstate Consultations Regarding West Virginia Contribution to Visibility Impairment in Class I Areas in Neighboring States." This addition will highlight West Virginia's commitment to the consultation component of the Regional Haze Program by prominently featuring this discussion in the SIP narrative. It is important to establish the individual state-to-state consultation process by describing the written and verbal communication that occurred. Also, it is important for West Virginia to document its communications with the State of Maryland as evidenced by a referenced conference call that occurred in October 2007 (Appendix J). Again, discussion of the various state communications in Section 10.0 of the SIP narrative would show how West Virginia satisfied the consultation requirements of the Regional Haze Program.

Perhaps more importantly, the FWS would like to see West Virginia's response to the MANE-VU "Request for a Course of Action," submitted by MANE-VU to VISTAS states during the August 20, 2007, consultation meeting held in Atlanta, Georgia. This "Request for a Course of Action" can currently be found in Appendix J, pages 76-77 of the draft SIP. VISTAS prepared a response to MANE-VU that is found on pages 80-100 in Appendix J. The VISTAS response does not address the conclusions made by West Virginia. We recommend West Virginia include its conclusions regarding this "Request for a Course of Action" in Section 10.0 of the SIP narrative.

Specifically, it is important for West Virginia to explain its decisions regarding the four actions that MANE-VU requested:

- 1) timely implementation of BART,
- 2) the 167 stacks identified by MANE-VU, as "reasonably anticipated to cause or contribute to visibility impairment in MANE-VU Class I areas,"
- 3) an additional 28% reduction in non-EGU SO₂ emissions, and
- 4) discussion of any other measures to reduce SO₂ and NO_x emissions from coal-burning facilities by the year 2018 (Appendix J - pgs.76-77).

By providing West Virginia's conclusions in the Regional Haze SIP narrative, West Virginia will appropriately address those issues raised during the consultation process, both within and outside the VISTAS RPO, and as required by the Regional Haze Rule.

We look forward to your response as per section 40 CFR 51.308(i)(3). For further information, please contact Tim Allen of my staff at (303) 914-3802.

We appreciate the opportunity to work with the State of West Virginia and compliment you on your hard work and dedication to significant improvement in our nation's air quality related values and visibility. Cooperative efforts such as these ensure, that together, we will continue to make progress toward the Clean Air Act's goal of natural visibility conditions at all of our most pristine Wilderness Areas and National Parks for future generations.

Sincerely,



Sandra V. Silva, Chief
Branch of Air Quality

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