

**FISH AND WILDLIFE SERVICE
POLLUTION CONTROL AND ENVIRONMENTAL COMPLIANCE**

Pollution Control and Environmental Compliance

Part 563 Air Quality Protection

Chapter 1 Air Quality Protection

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1.1 What is the purpose of this chapter? This chapter establishes policy and provides guidance to our employees for protecting, restoring, and enhancing air quality on U.S. Fish and Wildlife Service (Service) lands.

1.2 What is the policy? Proper management of air quality is vital to protecting and maintaining the Nation's fish and wildlife resources.

A. The Clean Air Act requires the Service, as a Federal Land Management agency, to preserve, protect, and enhance air quality and air quality-related values on our lands. (See section 1.4F for more information about Federal Land Managers).

B. We do this by working with others to monitor air quality changes and to encourage use of cleaner control technologies to limit air pollution effects on Service lands. In most cases, this involves reviewing State (and tribal) implementation plans and Prevention of Significant Deterioration permit applications related to projects that might affect air quality. (See section 1.6 for more information about the other agencies that the Service works with to achieve its air quality protection responsibilities.)

1.3 What are the authorities for this chapter?

A. Clean Air Act, as amended (42 U.S.C. 7401 et seq.).

B. National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57).

C. Wilderness Act of 1964 (16 U.S.C. 1131-1136).

D. U.S. Environmental Protection Agency (EPA) regulations, specifically Protection of Visibility (40 CFR 51.300-309), and Prevention of Significant Deterioration of Air Quality (40 CFR 52.21 and 40 CFR 51.166).

1.4 What terms do you need to know to understand this chapter?

A. Air Quality Related Value (AQRV): An AQRV is a resource identified by the Federal Land Manager (FLM) for one or more Federal areas that may be adversely affected by a change in air quality. The resource may include visibility or a specific scenic, cultural, physical, biological, ecological, or recreational resource identified by the FLM for a particular area.

B. Adverse Impact on AQRV: An adverse impact on an AQRV is an unacceptable effect identified by an FLM that results from current, or would result from predicted, deterioration of air quality in a Federal Class I or Class II area (also see sections 1.4D and E). An FLM must make a determination of unacceptable effect on a case-by-case basis for each area taking into account existing air quality conditions. The FLM bases the determination on a demonstration that the current or predicted deterioration of air quality will cause or contribute to:

(1) A diminishment of the area's national significance,

(2) Impairment of the structure and functioning of the area's ecosystem, or

(3) Impairment of the quality of the visitor experience in the area.

C. Adverse Impact on Visibility: An adverse impact on visibility is an impairment that interferes with the management, protection, preservation, or enjoyment of a visitor's visual experience of a Federal Class I or Class II area. An FLM must make this determination on a case-by-case basis taking into

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account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with:

- (1) Times when visitors use the Class I area, and
- (2) The frequency and timing of natural conditions that reduce visibility.

D. Class I Area: A Class I area is a Clean Air Act categorization of land that requires the highest level of protection from air pollutants.

(1) Class I areas include the following areas that were in existence as of August 7, 1977:

- (a) National parks over 6,000 acres,
- (b) National wilderness areas and national memorial parks over 5,000 acres, and
- (c) International parks.

(2) There are 158 Class I areas. We are responsible for managing air quality in 21 of these areas.

(3) All Service-managed Class I areas are wilderness areas. These Service-managed Class I areas are identified in the listing of National Wildlife Refuge System Designated Wilderness Areas found in Exhibit 1 of chapter 610 FW 1 of the Service Manual.

E. Class II Area: Class II areas require somewhat less stringent protection from air pollution damage than Class I areas. All Service-managed lands that are not Class I areas are Class II areas.

F. Federal Land Manager (FLM): The Clean Air Act requires Federal agencies with direct responsibility for managing lands to take responsibility for protecting air quality-related values (including visibility) of those lands. The Act gives the Secretary of the Interior this authority, and the Secretary delegates it to the Assistant Secretary for Fish and Wildlife and Parks (see 40 CFR 51.166(b)(24) and the Clean Air Act 165(d)(2)(B)).

G. Prevention of Significant Deterioration (PSD): The Clean Air Act established the PSD program to limit the amount of additional air pollution allowed in Class I and Class II areas. The permitting authority for PSD programs is usually the State agency, but may also be a local or tribal agency or the EPA.

(1) Federal and State regulations require the permitting authority to notify the FLM if emissions from a proposed project may impact a Class I area.

(2) After we and any other affected agencies review the proposed project and the permitting authority holds a period of public comment, the permitting authority either issues or denies the permit.

H. Regional Haze: The Clean Air Act established the Regional Haze program so that State, tribal, and Federal agencies will work together to improve visibility in national parks and wilderness areas, including the Class I wilderness areas we manage.

(1) Under this EPA-managed program, States develop and implement air quality protection plans to reduce the pollution that causes visibility impairment, with a goal of restoring natural visibility conditions in Class I areas by the year 2064.

(2) The EPA Regional Haze rule requires State and tribal agencies to consult with affected FLMs during

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the development of their Regional Haze State (or tribal) Implementation Plans.

I. State Implementation Plan (SIP): A SIP is a detailed description of the programs a State will use to carry out its responsibilities under the Clean Air Act. They are collections of the regulations a State uses to reduce air pollution.

- (1) The Clean Air Act requires that EPA approve SIPs.
- (2) States give members of the public an opportunity to participate in the review and approval of SIPs.

1.5 Who is responsible for air quality protection on Service lands?

A. The Assistant Secretary for Fish and Wildlife and Parks:

- (1) Serves as the FLM for Clean Air Act actions for the Department of the Interior,
- (2) Approves or declines to approve Federal Land Managers' Air Quality Related Values Work Group (FLAG) policy affecting the Department's bureaus (see section 1.7B), and
- (3) Makes adverse impact determinations considering the technical analyses and recommendation of the Service's Branch of Air Quality.

B. The Director:

- (1) Approves or declines to approve Service policy, and
- (2) Is responsible for approving the Service's Air Quality Management Plan.

C. The Chief, Branch of Air Quality within the Division of Refuges:

- (1) Is responsible for:
 - (a) Overall leadership and coordination of the air quality management program, and
 - (b) Developing the Service's Air Quality Management Plan;
- (2) On behalf of the FLM and Project Leaders/Refuge Managers, reviews and prepares comments on PSD permit applications, Environmental Impact Statements, Regional Haze Implementation Plans, Climate Change issues, and planning documents that may affect air quality on Service lands;
- (3) Designs and implements special studies and monitoring efforts necessary to respond to air quality issues and allocates funding for these projects;
- (4) Analyzes and comments on legislative, regulatory, and policy development at the State and Federal level;
- (5) Works with the Branch of Fire Management to ensure that we use best smoke management practices in our fire operations and that State, local, and interagency Federal air quality and fire policies are compatible;
- (6) Advises Project Leaders/Refuge Managers and other managers about air quality trends and issues pertinent to their refuges. For significant issues, the Chief involves Project Leaders/Refuge Managers

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and their Regional chain of command to develop recommendations for adverse impacts to present to the Assistant Secretary for Fish and Wildlife and Parks for decision; and

(7) Supports other Service programs by providing air quality policy, air pollution science, and physical science technical expertise (see section 1.7A).

D. Project Leaders and Refuge Managers (the Clean Air Act refers to these officials as “field station managers”):

(1) Help identify:

(a) AQRVs (flora, fauna, visibility, soils, aquatic resources, etc.) that we need to consider when reviewing PSD permits,

(b) Air pollution threats to wilderness and the resources we protect, and

(c) Monitoring data needs; and

(2) Are responsible for participating in and overseeing air quality monitoring operations.

1.6 Are there other agencies that the Service works with to achieve its air quality protection responsibilities? Yes, we work with the following agencies:

A. Other Federal Land Management Agencies with Clean Air Act Class I area management responsibilities:

(1) **National Park Service.** The National Park Service is also in the Department of the Interior and reports to the Assistant Secretary for Fish and Wildlife and Parks.

(2) **Forest Service.** The Forest Service is in the Department of Agriculture.

B. EPA. EPA issues and enforces the regulations that fulfill the mandates of the Clean Air Act.

C. State, Local, and Tribal Agencies. These agencies implement Clean Air Act programs, either through the Federal law and regulations or through their own statutory authority and rules.

1.7 Where can I find more information about how the Service carries out its air quality protection responsibilities? You can find more information about our air quality program in:

A. The Service’s Air Quality Management Plan. This plan:

(1) Describes how we manage air quality now and plan to manage it in the future on refuge lands;

(2) Addresses our other responsibilities for ensuring air quality, such as the needs of the Endangered Species, National Environmental Policy Act (NEPA), Contaminants, and Fire programs; and

(3) Explains how our various programs coordinate air quality activities.

B. The Federal Land Managers’ Air Quality Related Values Work Group (FLAG) Report. The FLAG report provides information on the standards and processes for ensuring consistency in managing Class I Federal lands for air quality. This report is available on the Branch of Air Quality’s Web site.

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(1) FLAG is an interdepartmental workgroup composed of representatives from the Federal Land Management agencies with Class I area management responsibilities.

(2) FLAG's purpose is twofold:

(a) To develop a more consistent and objective approach for the Federal Land Management agencies to evaluate air pollution effects on public AQRVs in Class I areas. This includes a process for identifying AQRVs and any potential adverse impacts, and

(b) To provide State permitting authorities and potential permit applicants consistency on how to assess the impacts of new and existing sources on AQRVs in Class I areas, especially for reviewing the PSD air quality permit actions.

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