United States Department of the Interior

NATIONAL PARK SERVICE
Air Resources Division
P.O. Box 25287
Denver, CO 80225

IN REPLY REFER TO:

TAKE PRIDE IN AMERICA

February 26, 2009

N3615 (2350)

Mr. Robert Hodanbosi
Director, Ohio EPA Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

Ms. Cheryl Newton
Air and Radiation Division
U.S. EPA Region 5
77 West Jackson Boulevard (A-18J)
Chicago, Illinois 60604

Dear Mr. Hodanbosi and Ms. Newton:

This letter acknowledges that the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS), and National Park Service (NPS) have received and conducted a substantive review of the Ohio revised proposed Regional Haze Rule implementation plan, dated December 31, 2008. Since this plan has already been submitted to the U.S. Environmental Protection Agency, Region 5, (EPA) we are providing comments to both the State and EPA.

As outlined in a letter to all States, dated August 1, 2006, our review of the regional haze protection plan revisions focuses on eight basic content areas that are priorities for the federal land management agencies. In addition to issues related to content, we are concerned that Ohio did not provide adequate time for federal land manager consultation on their plan before submitting their revisions to EPA. As noted in the enclosed comments, we have serious concerns regarding the adequacy of the plan revisions to address the requirements of 40 CRF 51.300-308. We believe the plan would have been improved through consultation.

Section 40 CFR 51.308(i)(3) requires a State's response to comments received during consultation with a federal land manager. Since the plan has already been submitted to EPA, we would appreciate a commitment from the State and EPA Region 5 to work together to respond to our concerns, and revise the plan as appropriate, before EPA takes any action regarding approval. Assuming the necessary plan revisions would be subject to public notice and comment, our concern regarding inadequate consultation on this plan would be alleviated.

If you or your staff have any concerns or questions regarding the enclosed comments, please contact Bruce Polkowsky (NPS Air Resources Division) at (303) 987-6944, or Tim Allen (FWS Branch of Air Quality) at (303) 914-3802.

We appreciate the opportunity to work closely with EPA Region 5 and the State of Ohio to improve the plan as submitted to provide significant improvement in our nation's air quality values and visibility.

Sincerely,

Christine L. Shaver
Chief, Air Resources Division
National Park Service

Sincerely,

Sandra V. Silva
Chief, Branch of Air Quality
U.S. Fish & Wildlife Service

Enclosure

cc:
Ms. Jennifer Hunter
Ohio EPA Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

John Summerhays
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National Park Service and U.S. Fish and Wildlife Service Comments Regarding Ohio Regional Haze Rule State Implementation Plan Submitted to EPA in December 2008

On December 31, 2008, the State of Ohio submitted a Regional Haze Rule State implementation plan (SIP), pursuant to the requirements codified in federal rule at 40 CFR 51.300-308, to the U.S. Environmental Protection Agency, Region 5 (EPA). The Department of the Interior, National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) received a copy of the submittal on January 5, 2009. The NPS and FWS air programs have conducted a substantive review of the submitted plan, and provide the comments listed below. We look forward to working with EPA and the Ohio Department of Air Pollution Control (ODAPC) on revisions to the submitted plan. We note that such revisions would serve as an alternative to responses required under section 40 CFR 51.308(i)(3). For further information regarding these comments, please contact Bruce Polkowsky (NPS) at (303) 987-6944 or Tim Allen (FWS) at (303) 914-3802.

OVERALL COMMENT

We provided the State informal comments on the draft regional haze SIP via email on October 15, 2008. Some of our concerns have been addressed by the SIP submitted to EPA in late December. However, the SIP as submitted does not address all of the issues we raised in our informal comments.

SPECIFIC COMMENTS

The remaining comments, below, are organized according to the priorities that we presented in our August 1, 2006, letter, which outlined the Regional Haze concepts that are of importance to the NPS and FWS.

Baseline, Natural Condition, and Uniform Rate

We appreciate the statement in the SIP that ODAPC accepts the Midwest Regional Planning Organizations (MWRPO) assessments of baseline and the use of U.S. EPA defaults for natural conditions (page 4). We had raised the lack of this acknowledgment as a major concern in earlier comments.

Emission Inventories

The December 2008 SIP greatly expanded the discussion of emissions inventories and projections from the October 2008 draft. The State should clarify if these are the emissions reductions used by MWRPO in the assessment of visibility change referenced in Chapter 7 and explain any differences.

The projected emissions reductions are based on "on-the-books" controls which should be elaborated upon in the long-term strategy section of the regional haze SIP. Specific listing of the other rule and requirements within the regional haze portion of the SIP

provides linking mechanism so that changes in other programs require a review of the regional haze portion of the SIP as well. The long-term strategy should also contain a requirement for tracking and reporting on the progress of these programs to ensure that they fulfill the expected result of satisfying Ohio's obligation to contribute to reasonable progress a Class I areas influenced by the emissions from the State.

Area of Influence

The December 2008 SIP does identify which Class I areas are affected by emissions from Ohio by summarizing contribution assessment work of the MWRPO, the Visibility Improvement State and Tribal Association of the Southeast (VISTAS), Mid Atlantic and North East Visibility Union (MANE-VU) regional planning organizations. The Ohio SIP must address all emissions which are "reasonable anticipated to cause or contribute to" visibility impairment in any Class I areas. We request a summary statement be added to this section that acknowledges Ohio's responsibility for assisting in continued reasonable progress in the identified Class I areas. The area of influence information should also be used in the long-term strategy decision on what control strategies are appropriate for "reasonable progress" as noted below.

Reasonable Progress Goals and Long Term Strategy

The Long Term Strategy and Reasonable Progress section of the December 2008 SIP is greatly improved from the previous draft. We appreciate the discussion of EPA's Clean Air Interstate Rule (CAIR) and understand that the majority of Ohio's long-term strategy relies on reductions expected from implementation of that rule. We note that the recent court ruling on CAIR still leaves large uncertainty regarding the magnitude and location of emissions reductions to be implemented under that program. We request that ODAPC acknowledge this uncertainty regarding the emissions projections for its sources and that the SIP commit the State to re-examine actual and future emissions changes in the mid-term review required by the regional haze rule. At that time if in-state emissions for 2018 are likely to fall short of projections adopted in this plan, the ODAPC must initiate plan revisions for the long-term strategy. Ohio could list possible measures, such as those found cost-effective under the MWRPO reasonable progress assessment, conducted by EC/R Incorporated for consideration in future SIP revisions, should anticipated reductions from on-the-books programs fall short of established goals.

We recognize that most difficult process within the regional haze SIP development is addressing reasonable progress for all Class I areas affected by emissions from a State. On pages 28 through 37, the SIP reviews ongoing programs and assesses current and future contribution to visibility impairment as the basis for relying on on-the-books controls for this first regional haze plan. Much of the cost information noted in the SIP comes from the MWRPO reasonable progress analysis. That information was develop based on regional control options and focused on the Class I areas in the upper mid-west. The study may not reflect costs regarding additional controls for specific Class I areas outside of the MWRPO.

Fire

We recognize that prescribed fire and wild fire are not currently a major portion of visibility impairment at Class I areas affected by emissions from Ohio. We appreciate the ODAPC's efforts to develop a smoke management program. We encourage ODAPC to include Class I areas as sensitive receptors when assessing smoke impacts under the future program and to require best management practices to reduce impacts when sensitive receptors are affected.

Regional Consistency

The SIP mentions the MANE-VU request for cooperation in assisting their states to meet what they consider to be reasonable progress regarding reductions in sulfur dioxide emissions. The MANE-VU request is directed at specific stacks located at coal-fired, electric generating facilities, and includes a general reduction target for SO_2 emissions from all point sources. The MANE-VU request acknowledges that their request could be met using a combination of electric utility reductions and other reductions. ODAPC should list reductions expected at the facilities identified by MANE-VU and calculate whether additional controls at other facilities meet the additional sulfur reduction targets noted in the MANE-VU request.

All State SIPs for regional haze protection must address the goal of protecting the 20 percent best visibility days at Class I areas potentially affected by emissions from within the State. We request Ohio to recognize, in the regional haze SIP, the requirements of full consultation with the federal land managers for review of visibility impacts required by New Source Review and Prevention of Significant Deterioration (NSR/PSD) programs. Given the long range effect major sources can have on visibility, the regional haze rules should establish a policy that ODAPC will consult with federal land managers, for all sources subject to NSR/PSD requirement, early in the permitting process.

We are also concerned that Ohio EPA's current approved SIP is deficient with respect to visibility protection under New Source Review, because it lacks Federal Land Manager (FLM) notification and consultation procedures that are identified in federal EPA regulations (see 40 CFR 52.21(p) and 40 CFR 51.307) for new sources of air pollution that may impact mandatory federal Class I areas. Specifically, the procedures do not establish a process by which FLM notification should occur, including what information should be submitted for FLM review, when this information should be submitted, and when FLM concerns and agency responses should appear in a public notice. The FLMs are charged with an "affirmative responsibility" under the Clean Air Act (CAA) to protect the air quality related values (AQRVs), including visibility, in Class I areas that we manage. This responsibility places the utmost importance on the FLMs receiving necessary and timely information from the state air regulatory agencies, such as Ohio EPA, in order to make an informed determination.

Regardless of what OH DAPC has currently established in their SIP under OAC 3745-31 for New Source Review, the visibility SIP required by 40 CFR 51.307 must at a minimum incorporate the FLM consultation procedures found in the federal regulation

for the purposes of visibility protection. Our position on this issue has been documented in detail in our comment letters on several recent PSD permitting actions in Ohio. Therefore, we ask that you consider these comments and take action to rectify the procedures established under the Ohio SIP so that it may enable, rather than impede, an appropriate role for the FLM as provided by the CAA.

Verification and Contingencies

We appreciate the statement on page 34 that ODAPC will enforce all emissions limitations and control measures used to meet reasonable progress goals through this SIP action. We interpret this to mean that the overall emissions targets, noted on Pages 5 through 7, and the rules and measures establish to meet them, are enforceable as requirements for regional haze as well.

Coordination and Consultation

The SIP should contain provisions for ongoing coordination and consultation with the Federal Land Managers on any future SIP revisions and reporting. The Federal Land Managers are committed to supporting State progress and will inform the State of our ongoing monitoring and assessment activities. While much of this coordination has been accomplished through the Regional Planning Organizations (RPOs), the future of RPOs is uncertain and a specific statement of the tasks to be coordinated on will provide better assurance that all States and Federal Land Managers will be kept up to date over the long implementation period of these rules.

BART

With respect to the decision to accept CAIR as Best Available Retrofit Technology (BART) for electric utilities, we point out that Ohio still needs to address particulate matter (PM) emissions from EGU sources in the BART analyses for the regional haze SIP.

Through interaction with the MWRPO and the ODPAC over the last year, we have reviewed the air quality modeling performed to assess sources subject to BART. We agree with ODAPC's conclusion that only the P. H. Glatfelter facility is subject to BART.

We have serious concerns with the BART determination for the Glatfelter facility. The determination that the least total cost engineering option as BART does not correctly consider the visibility improvement factor. Neither the SIP language on pages 21-22 nor Appendix G provides sufficient assessment of the trade-off between total cost and degree of visibility improvement. On a dollar per ton of emissions reduced basis, the three engineering solutions are essentially equal, yet the high levels of control eliminate all days of impact greater than five percent of extinction change while the minimal control, chosen by the ODAPC as BART, still results in multiple days at multiple Class I areas of impacts above the contribution threshold. Given equal removal efficiency costs, the

option with the greatest improvement in visibility should be selected. Using an air quality model to back-calculate a BART emission limit violates the intent of the BART determination, which should be primarily an engineering determination. This is especially true when all BART control options have equivalent cost per ton emission reductions.

We also caution that the current assessment of visibility effects at from the Glatfelter facility with the 60 percent reduction scenario did not appear to include impacts from condensable particulates that may be substantially greater than those from the filterable particulates modeled. For several years we have posted recommendations on our website for speciating particulates using EPA emission factors. In order for ODAPC to exempt the Glatfelter facility from BART, it must show that that Glatfelter's impacts do not exceed the visibility exemption thresholds when all visibility impairing emissions are modeled appropriately. The documentation included with the SIP does not make such a showing. Even if such a demonstration is successful, establishment of emissions limits needed to remove the Glatfelter facility from consideration for BART must address these emissions.

The source can take voluntary emissions limits to reduce its impact below the threshold that triggers BART assessment. However, those emissions limits are not BART. In addition those emissions limits should be met more quickly than the five year implementation period for a BART-determined limit. Such an approach also needs recognize that reasonable progress requirements would likely require review additional emission reductions at that source, since such emissions reductions are likely very cost-effective compared with the alternatives.

We request that ODAPC revise the Glatfelter BART determination to be 90 percent control. If ODAPC does not revise the BART determination, it could establish emissions limits that removes the source from BART consideration now, but leaves it subject to review for reasonable progress in the future.