

**National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS)
Comments on Ohio Environmental Protection Agency's Proposed State
Implementation Plan Revision for Regional Haze dated
September 9, 2008**

General Comment

In August, 2006, the National Park Service and U.S. Fish and Wildlife Service contacted all States regarding our topics of interest for review in the Regional Haze State Implementation Plans (SIPs). That letter contained eight broad topics that we felt every SIP should address. After review of the material sent to us, we find only one area, Best Available Retrofit Technology (BART), has been addressed directly by the State of Ohio. We have concerns with the lack of a complete BART determination and issues related to BART for the electric utility sector. We will elaborate on those concerns below. The remainder of the material is summary information taken directly from reports of the Midwest Regional Plan Organization and Lake Michigan Air Directors Consortium. The federal Regional Haze SIP requirements contained in Title 40 of the Code of Federal Regulations, Sections 51.300 through 51.309 (40 CFR 51.300-309) require every State plan to contain, among other requirements, specific components regarding emission strategies to address existing impairment, monitoring, and programs to prevent future impairment from new sources. The Ohio plan, as drafted, does not address these requirements. Below we will review the eight broad topic areas contained in our August 2006 letter and indicate how Ohio could address these areas in a future rewrite of the regional haze SIP.

Without substantial revisions to the SIP as drafted and additional FLM consultation, we will urge U.S. EPA to not consider the drafted material a meaningful response to 40 CFR 51.300-309 requirements and to consider including Ohio in any future findings of failure to submit a regional haze plan.

Baseline, Natural Conditions and Uniform Rate

While mainly a concern for States that contain mandatory Federal Class I areas (Class I areas), the SIP for every State should affirm the mechanisms to address baseline visibility conditions, assessed natural conditions estimates for best and worst visibility days, and the calculate of the uniform rate of progress for all Class I areas affected by a State's emissions. If Ohio accepts the Midwest Regional Planning Organizations (MWRPO) assessments of baseline and the use of U.S. EPA defaults for natural conditions, as modified by certain states, then the Regional Haze SIP must declare those findings. We encourage Ohio EPA to formally adopt the work of the MWRPO in these areas, since we have been active participants in the work of the MWRPO and concur with the technical approach taken.

Emissions Inventories

The Regional Haze SIP should list the emissions from the State of Ohio that were used to model expected changes in visibility reported by the MWRPO. This includes the baseline emissions of sulfur dioxide, nitrogen oxides and direct fine particulate matter, in 2002 and 2005 for all major source categories. In addition, the SIP should clearly identify the 2018 emissions projections for these sources and commit to tracking and reporting these emissions for the purposes of assuring that Ohio's contribution visibility improvement is being achieved. The current draft has limited information on current and projected emissions from stationary or mobile sources within Ohio. This information is a summation of MWRPO modeling work. The SIP should indicate that Ohio commits to meeting the 2018 projection levels and link those emissions projections to specific State or Federal programs in the Long Term Strategy portion of the SIP.

Area of Influence

Since the State of Ohio does not contain any Class I areas, the SIP should clearly identify which Class I areas are affected by emissions from the State. The Ohio SIP must address all emissions which are "reasonable anticipated to cause or contribute to" visibility impairment in the Class I areas. For those areas, the SIP must provide for Ohio's fair share toward "reasonable progress". MWRPO did review technical information to assess the major contributing states to many eastern Class I areas. Work on areas of influence for sulfur dioxide emissions was also conducted by the Visibility Improvement State and Tribal Association of the Southeast (VISTAS). Ohio should review all of this information and provide in the SIP, a list of Class I areas where it determines Ohio emissions are "reasonable anticipated to contribute" to visibility impairment.

Reasonable Progress Goals and Long Term Strategy

Since Ohio does not contain any Class I areas, the Ohio SIP does not need to establish any reasonable progress goals. However, for those areas that Ohio identifies as contributing to visibility impairment, the State must establish a Long-Term Strategy, and explain how that Long Term Strategy was developed using, at a minimum, the four statutory factors identified in the Clean Air Act. Work was conducted by the MWRPO regarding controls for sulfur dioxide and nitrogen oxides at stationary sources based on the statutory factors. Ohio EPA should review that work and indicate in the SIP what strategies it has chosen, or not chosen, to implement.

In most of the East, assuming that interstate emissions of sulfur dioxide and nitrogen oxide emissions from electric generating stations are addressed under a federal transport reduction rule or through additional BART determinations, it is likely that most Class I areas will attain improvement in the worst 20 percent days comparable with the EPA's uniform rate of progress (URP) toward natural conditions. Meeting the URP, while a valid factor for consideration in deciding on control strategies, is not a sufficient rationale for eliminating an evaluation of strategies. A State should adopt all strategies found to

be “reasonable” based on the four factor analysis. There is no discussion in the draft SIP of strategies considered under a analysis of the statutory factors.

One specific component of the Long Term Strategy is BART. U.S. EPA had provided that States subject to the Clean Air Interstate Rules (CAIR) could declare in their Regional Haze SIPs that CAIR implementation addressed BART provisions for all electric generating units (EGUs) in the State. Ohio’s SIP as drafted does not explicitly make such a finding. If Ohio plans to rely on CAIR at this time, it must address the uncertainty regarding court rulings on CAIR.

The SIP document does contain technical information regarding an examination of non-EGU sources and found only one subject to BART; P.H. Glatfelter Company Chillicothe Facility. Appendix G contains the BART engineering analysis which does not supply sufficient information to support the conclusions that nitrogen oxide and sulfur dioxide controls were correctly considered. The assumption that current nitrogen oxides controls are sufficient is not supported by any five factor analysis. It may be that this facility is highly controlled for its contribution to ozone, but no materials are provided in the SIP to document this as the case. The similar assumption that current PM controls represent BART is undocumented as well. Regarding sulfur dioxide controls, there is no cost information provided for any of the technology options. Costs should be supported using vendor quotes or by the EPA Office of Air Quality Planning and Standards Control Cost Manual. It is also necessary that emission limits be specified in the SIP for the State to meet BART determination requirements.

We are aware that, even lacking CAIR, sulfur dioxide and nitrogen oxide emissions from some EGUs within Ohio will be controlled based on consent decrees implementing requirements of other regulatory programs and outcomes of enforcement actions. In that case the Regional Haze SIP should list the units involved and the expected changes from baseline emissions as well as timing of the anticipated reductions. The regional haze rule should commit the State to review these emissions changes in 2012 to ensure they also meet or exceed BART or “reasonable progress” criteria.

The Regional Haze rule anticipates that States will use the New Source Review and Prevention of Significant Deterioration provisions for FLM notification and consultation on visibility and Air Quality Related Value impacts as the primary mechanism for prevention of future impairment of visibility. The SIP should address the linkage between Ohio’s new source review program and its projected emissions from stationary sources to 2018 as part of its Long Term Strategy which would require changes of current Ohio new source review procedures. A rigorous assessment of new source growth would prevent unexpected development in any particular region from negating the anticipated improvements in visibility likely to result from expected emissions reductions included in the regional modeling. The State should also indicate how new area and minor source emissions will be included in periodic emission reviews under the regional haze program.

Fire

For most of the Eastern Class I areas, wild land and agricultural fire are not significant contributors to the 20 percent worst days at this time. The SIP should make a finding with respect to fire emissions from the State for the Class I areas within Ohio's area of influence.

Regional Consistency

The eastern RPOs collaborated on various analyses of current and future conditions. Ohio's inclusion of the MWRPO technical support document reflects much of that coordination but does not complete the work needed. The Mid Atlantic North East Visibility Union (MANE-VU) requested to States in the MWRPO and VISTAS regions to address sulfur dioxide emissions from specific EGUs and collectively from non-EGU stationary sources. MANE-VU incorporated these emissions strategies in air quality modeling used by its States to establish reasonable progress goals. Ohio must address the request by MANE-VU in its SIP and examine how the emissions within the state of Ohio differ from those used by MANE-VU in its modeling. Ohio does not have to adopt the requested strategies, but it must provide its rationale within the SIP.

Verification and Contingencies

The process to verify reasonable progress is the periodic reporting and updates laid out in the regional haze rule. Ohio does not have to address future air quality monitoring uncertainties within its SIP, but it should address uncertainties related to emissions projections and implementation of any regional programs that incorporated emissions trading. Given recent court decisions, the future of CAIR is in question and the SIP should document that uncertainty, especially if Ohio is not going to undertake a full BART review of EGUs as part of this SIP submittal. If CAIR, or a similar program, is not implemented in 2009, the SIP should require a full BART review of subject EGUs and require implementation of BART emissions limits before the December, 2012, Regional Haze SIP review is due.

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 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.