

Consultation Process: The “MANE-VU Asks” and State Haze SIPs



NESCAUM & MARAMA Regional Haze SIP Training
April 22, 2015
Paul J. Miller, NESCAUM

Consultation Overview

1. Consultation requirements
2. Past consultation history – the “MANE-VU Asks”
3. Implications for next round of haze SIPs

Two Consultation Requirements

1. By Statute

- With FLMs, required by CAA §169A(d)
 - Applies to all states doing haze SIPs

2. By Regulation

- With other states, required by Regional Haze Rule 40 CFR §51.308
 - Applies only to states with Class I areas in setting reasonable progress goals (RPGs)

1. Consultation under CAA

Before holding a public hearing on SIP revision,

“the State ... shall consult in person with the appropriate Federal land manager or managers and shall include a summary of the conclusions and recommendations of the Federal land managers in the notice to the public.”

2. Consultation under Haze Rule

(iv) In developing each reasonable progress goal, the State must consult with those States which may reasonably be anticipated to cause or contribute to visibility impairment in the mandatory Class I Federal area. In any situation in which the State cannot agree with another such State or group of States that a goal provides for reasonable progress, the State must describe in its submittal the actions taken to resolve the disagreement. In reviewing the State's implementation plan submittal, the Administrator will take this information into account in determining whether the State's goal for visibility improvement provides for reasonable progress towards natural visibility conditions.

(v) The reasonable progress goals established by the State are not directly enforceable but will be considered by the Administrator in evaluating the adequacy of the measures in the implementation plan to achieve the progress goal adopted by the State.

State-to-State Consultation Summarized

- **Class I Area State must consult with upwind States in developing RPG**
 - Extent of consultation not defined
 - “Cause or contribute to visibility impairment” not defined
- **Class I Area State must document efforts when states disagree on RPG**
- **RPG itself not enforceable**
 - Reasonable control measures used to meet RPGs would be enforceable, if in a SIP

Past consultation history – the “MANE-VU Asks”

1st Round of Haze SIPs

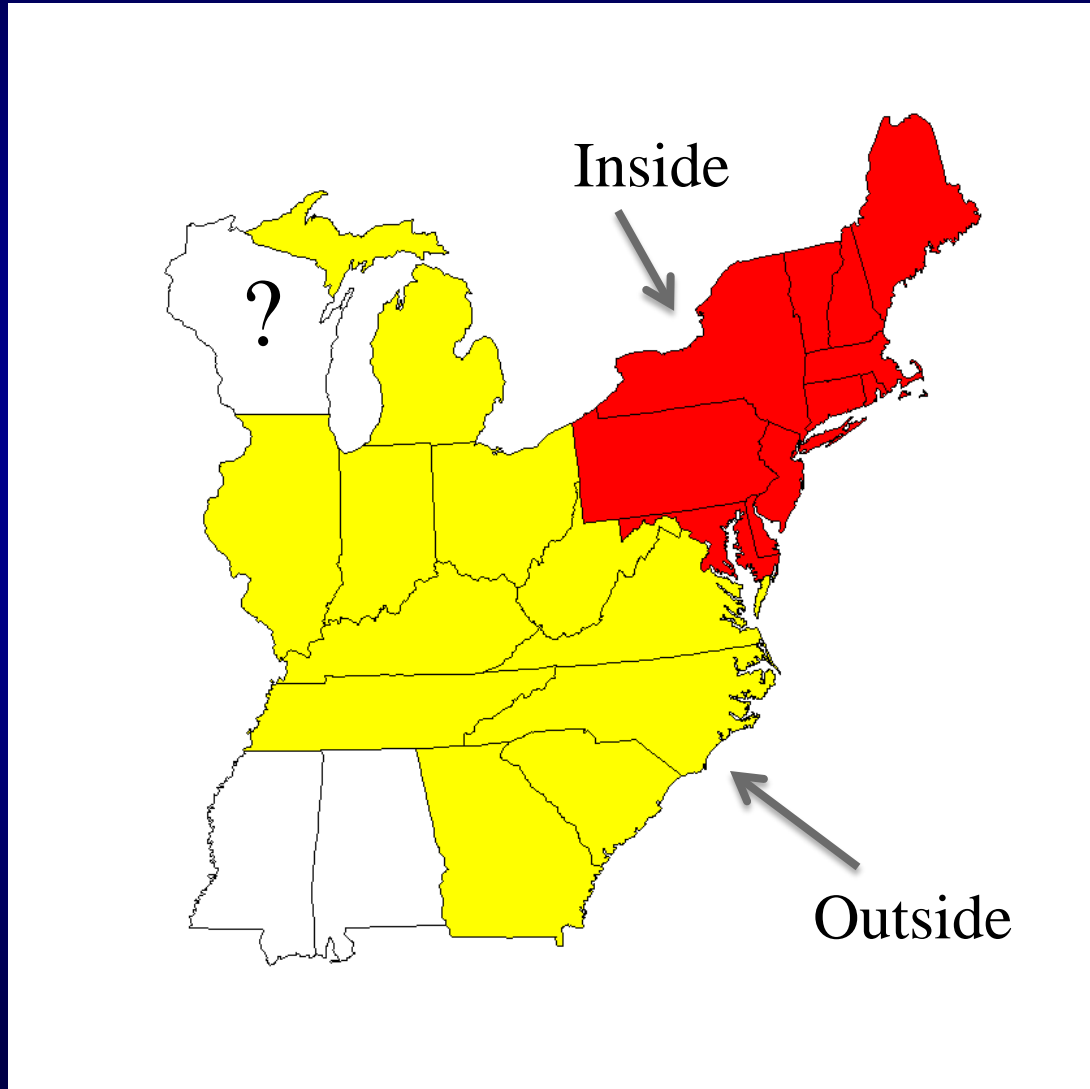
1. Resources provided by EPA and states to RPOs (funding and in-kind support)
2. MANE-VU applied a suite of modeling tools to estimate state-by-state contributions
3. Class 1 states sent formal “MANE-VU Ask” to other states and EPA seeking “reasonable measures” for SO₂ reductions
4. MANE-VU conducted extensive in-person consultation process with other states/RPOs

(See 2007 MANE-VU Consultation Handbook)

“MANE-VU Asks” to Three Groups

- 1) MANE-VU states and DC
- 2) Outside MANE-VU states contributing 2% sulfate or more to any MANE-VU Class 1 area
- 3) EPA

States Covered by “MANE-VU Asks”



1) Ask for MANE-VU States & DC

- I. Timely implementation of BART
- II. Low sulfur fuel oil strategy (inner/outer zones)
- III. 90% or greater SO₂ reduction from “167 EGU stacks” or “alternative measures”
- IV. Continued evaluation of other measures, including:
 - additional SO₂ & NO_x reductions from all coal-burning facilities
 - NSPS for wood combustion

Progress to Date Inside MANE-VU

I. Timely implementation of BART

- Most have source-specific BART analyses
 - Many found existing measures satisfied BART
 - PA accepted CAIR for EGU NO_x & SO₂

II. Low sulfur fuel oil strategy

- Some adopted rules, but different timelines
- Some have yet to adopt full Ask

III. “167 EGU stacks” or “alternative measures”

- 90% SO₂ reductions at stacks or elsewhere in state appear on track

IV. Continued evaluation of other measures

- Most made general commitments for further evaluations of other measures
- Many generally supported EPA wood devices NSPS finalized in March 2015

2) Ask for Outside MANE-VU States

- I. Timely implementation of BART
- II. 90% or greater SO₂ reduction from “167 EGU stacks” or “alternative measures”
- III. 28% SO₂ reduction from non-EGUs relative to 2018 OTB/OTW projections
- IV. Continued evaluation of other measures, including:
 - additional SO₂ & NO_x reductions from all coal-burning facilities
 - NSPS for wood combustion

Progress to Date Outside MANE-VU

I. Timely implementation of BART

- All have non-EGU BART analysis
 - Many found existing measures satisfied BART
 - Most states used CAIR/CSAPR as EGU BART

II. “167 EGU stacks” or “alternative measures”

- 90% SO₂ reductions at stacks or elsewhere in state appear on track

III. 28% SO₂ reduction from non-EGUs

- Intent was to request comparable SO₂ reductions to low sulfur fuel oil within MANE-VU region
- Not much quantifiable on 28% non-EGU SO₂ reductions

IV. Continued evaluation of other measures

- Mixed picture on commitments to evaluate additional measures; may be fuzzy request
- EPA wood devices NSPS finalized in March 2015

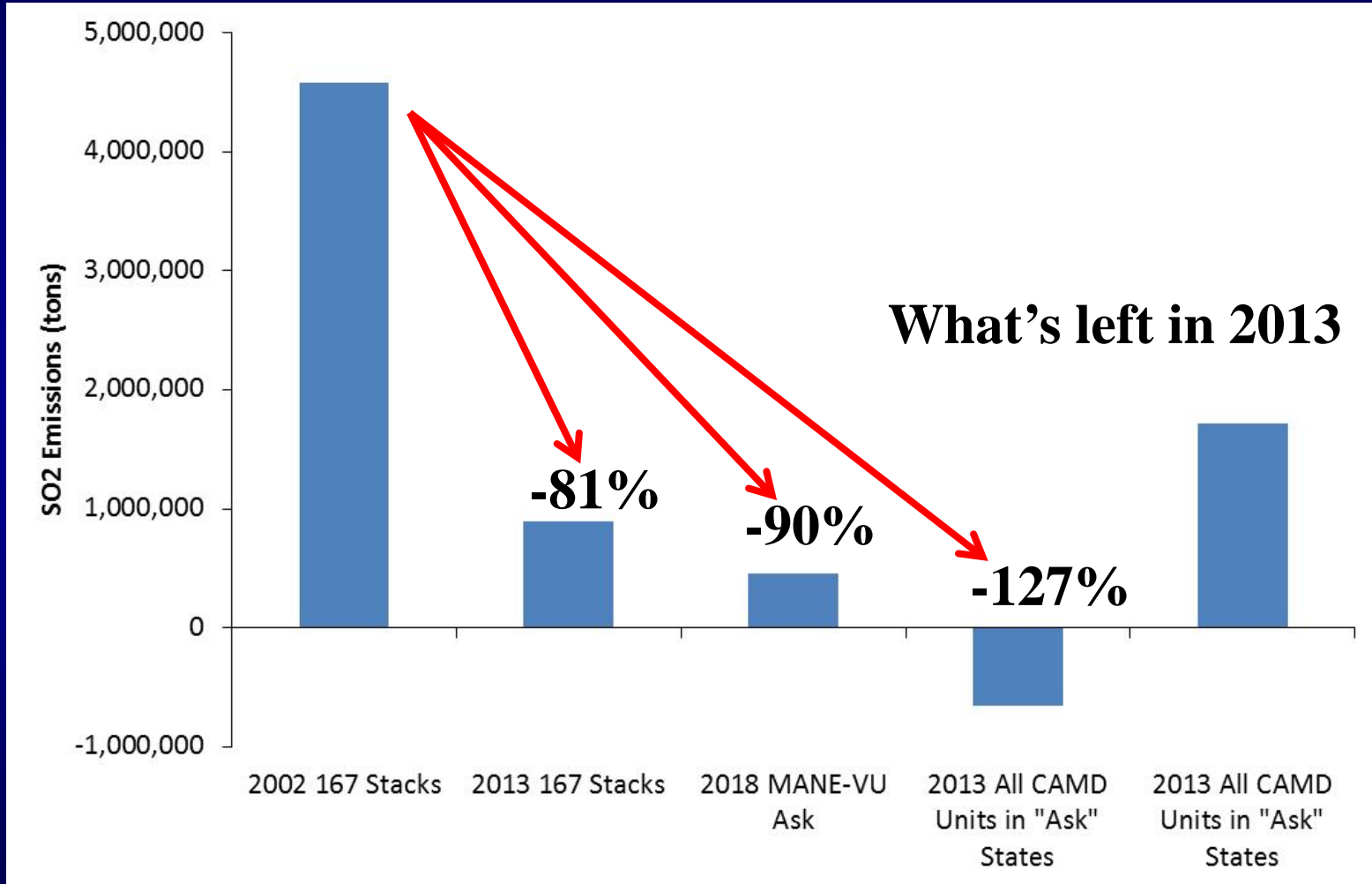
3) Ask for EPA

Work with eastern RPOs to develop proposal for additional 18% SO₂ reduction from EGUs beyond CAIR by 2018

No 18% SO₂ proposal but...

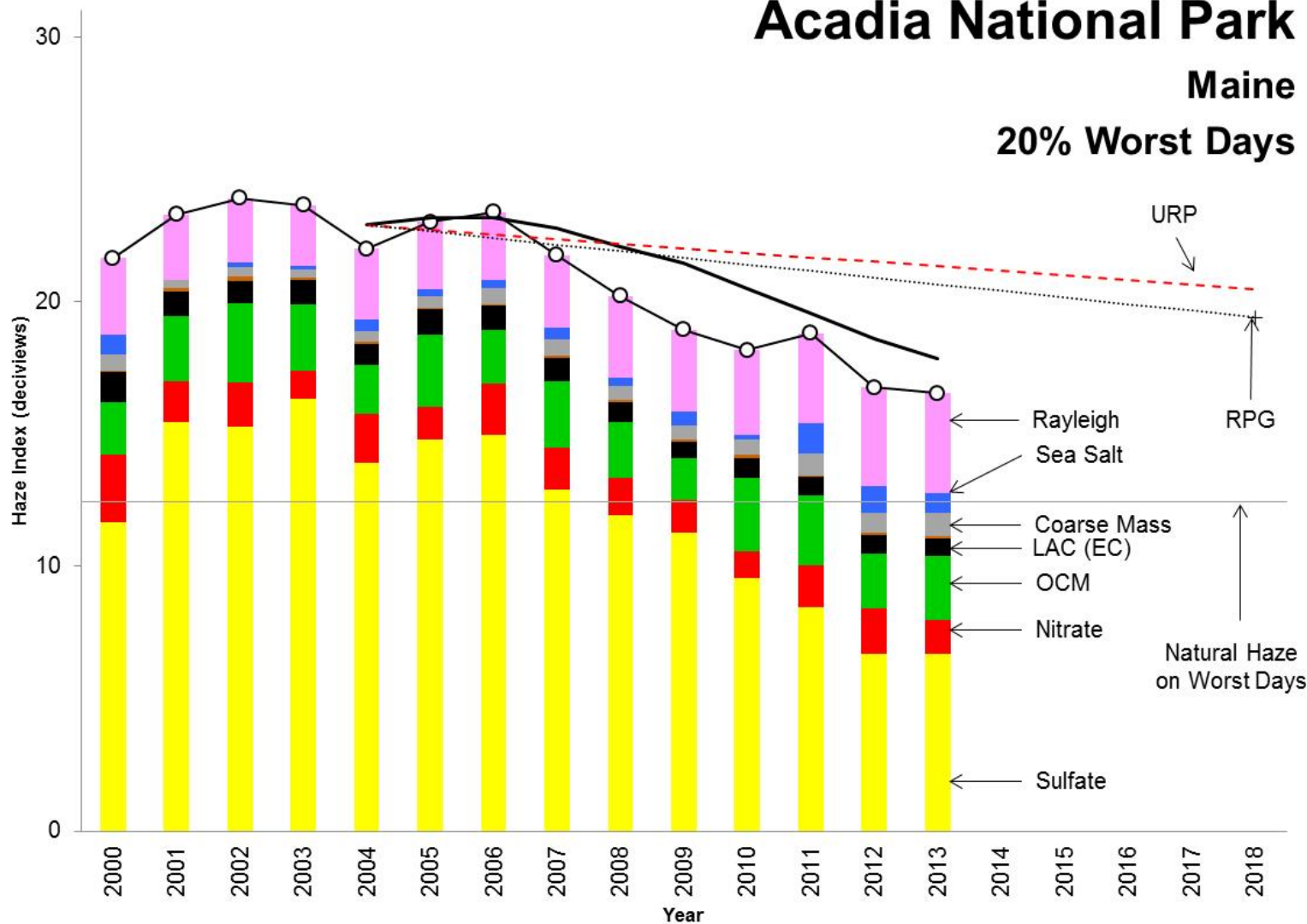
- CSAPR ~8% additional EGU SO₂ by 2014 (amount muddied by differences in trading and geography)
- Utility MATS projects additional 24% EGU SO₂ reduction beyond CSAPR by 2017
- P.S. -- Wood Devices NSPS issued in March 2015

“167 Stacks” SO₂ Reductions



SO₂ Still Largest Haze Contributor

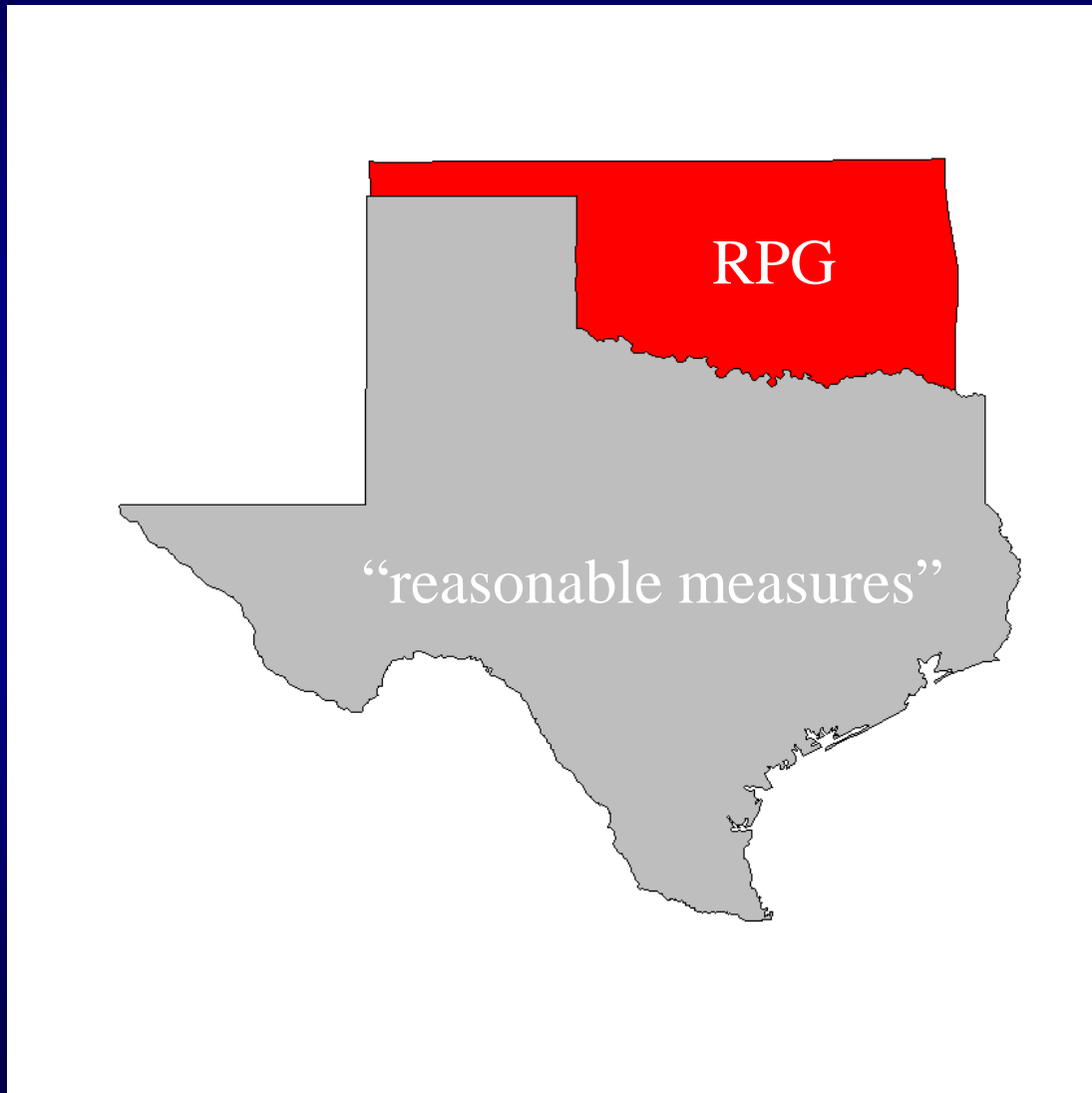
Acadia National Park Maine 20% Worst Days



MANE-VU Asks in Retrospect

- A few SIPs from outside MANE-VU disagreed with MANE-VU contribution assessment
- No outside MANE-VU state specifically adopted controls in response to Ask
- Even so, the equivalent of the “167 stacks” 90% reduction request appears achievable by 2018

Events Elsewhere: OK & TX FIPs



Implications for 2nd Round

- Two different consultation requirements
 - By statute with FLMs
 - By rule with other states
- State-level contribution assessment too general?
 - OK & TX FIPs suggest need for source specificity via 4-factor analysis
- Does RPG above or below URP matter for “reasonable measures”?
- Fewer resources for 2nd round