



"Serving Western Legislatures"

RESOLUTION 98-10

Pending EPA Regional Haze Rule

**Urging the President, U. S. Congress and EPA
to Modify the Proposed Regional Haze Rule**

Introduced by the Trade and Transportation Committee

WHEREAS, the Clean Air Act (CAA) included a goal to remedy any existing and prevent any future visibility impairment in the wild and scenic areas of the United States categorized as Class I areas. The CAA made visibility an esthetic concern rather than an issue to protect public health like the primary standards the Act created. The 1990 CAA Amendments authorized the formation of the Grand Canyon Visibility Transport Commission (GCVTC) to develop recommendations to improve and protect visibility in the Class I areas in the Golden Circle area of the western states near the Grand Canyon National Park. The GCVTC was mandated to develop visibility improvement recommendations for the EPA (Environmental Protection Agency), which will use the information if a formal Regional Haze Rule is promulgated by the Agency. The WGA (Western Governors' Association) submitted the GCVTC recommendations report to the EPA in June, 1996. The GCVTC report clearly stated many of the recommendations required further analysis before becoming federally enforceable components of a state implementation plan (SIP); and

WHEREAS, in July of 1997, EPA proposed a Regional Haze Rule (RHR) that included specific actions States would have to complete as part of mandatory state implementation plans. The RHR would require reductions of the same emissions as the recently promulgated National Ambient Air Quality Standards (NAAQS) for PM_{2.5} and Nox. The proposed Regional Haze Rule, if promulgated, would require the first Regional Haze SIP in the year 2000. The RHR requires visibility be improved by 1 deciview (about a 10 percent improvement) every 10-15 years and all stationary sources should undergo a major analysis to determine whether the best available retrofit technology be placed on each facility; and

WHEREAS, the recently passed federal TEA-21 bill requires any new Regional Haze Rule SIP compliance dates be synchronized with the new NAAQS for PM_{2.5}, which would allow for increased monitoring and scientific analysis since the first SIP is not due until 2008. The ISTEA bill does not preclude requirements set by the GCVTC as reflected in regulatory language of the proposed Regional Haze Rule where the GCVTC recommendations are included; and

WHEREAS, the EPA convened a formal comment period in the fall of 1997 regarding the proposed Regional Haze Rule. In the Spring of 1998, long after the close of the EPA comment period, the Western Governors Association convened a small group of individuals, none of whom were legislators, to interpret the GCVTC recommendations and develop regulatory language for use by the EPA in the final Regional Haze Rule. This closed committee developed proposed language which takes recommendations of the GCVTC that needed further analysis, as stated in the GCVTC report, and encourages EPA to make them mandatory components of future haze SIPs. Additionally, the proposed language requires the Governors participating in the process to make further commitments in an Annex report due the EPA in the year 2000; and

WHEREAS, the WGA focuses on stationary sources by requiring an SO₂ emission cap that exceeds the CAA acid rain requirements. The emissions of SO₂ are already capped and projected to be decreasing without additional EPA regulations. The WGA proposal also creates a renewable resource mandate as large as 20 percent of western state electricity generation by 2015 without analysis of the practicality or economics of such a requirement; and

WHEREAS, unfortunately, while prescribed and wild forest fires on western federal lands are projected to be the largest growing source of current and future visibility impairing emissions, the WGA proposal fails to require specific emission reductions from these fire sources; and

WHEREAS, the proposed mandated stationary source reductions will result in significant increases in the cost of electricity in the western states without demonstrating commensurate improvement in visibility in the western Class I areas. The CAA clearly requires any visibility program, unlike the health based NAAQS, to have benefits that exceed the cost of improvement; and

WHEREAS, the EPA has opened a 30-day comment period on the TEA-21 bill and on the regulatory language reflecting the WGA proposal as part of the final Regional Haze Rule;

NOW, THEREFORE, BE IT RESOLVED that CSG-WEST (Council of State Governments-WEST, Serving Western Legislatures) hereby supports improving and protecting future visibility in the wild and scenic Class I areas. However, the EPA should not focus on any one specific source of emissions but instead should increase visibility monitoring of current emission reductions as required by the health based NAAQS and other emissions reductions already committed to, such as the scrubbing of the Page, Arizona Navajo Generating Station, the Hayden, Colorado powerplant, and the pending Centralia, Washington powerplant to determine if reasonable progress is already being achieved without promulgating another EPA rule that will increase electricity costs of western citizens; and

BE IT FURTHER RESOLVED, that CSG-WEST supports emission reductions by timbering, rotational grazing, and other mechanical means before prescribed and wild fires on federal lands to the greatest amount possible before fires are started by federal land managers or by natural causes; and

BE IT FURTHER RESOLVED, that CSG-WEST strongly urges the EPA not to promulgate the Regional Haze Rule and instead continue to monitor visibility improvements in Class I areas resulting from implementation of the new NAAQS and other emission reduction efforts; and

BE IT FURTHER RESOLVED, that CSG-WEST policy be forwarded to the Congressional delegations of the member states of CSG-WEST, the President of the United States, and the Administrator of the Environmental Protection Agency.

***ADOPTED BY THE CSG-WEST EXECUTIVE COMMITTEE ON SEPTEMBER 22, 1998
ASSEMBLED IN ANNUAL MEETING IN ANCHORAGE, ALASKA.***