AMERICAN PUBLIC POWER ASSOCIATION
Powering Strong Communities

2451 Crystal Drive
Suite 1000
Arlington, VA 22202-4804
202 467-2900
www.PublicPower.org

June 28, 2024

Emily Millar
Office of Air, Office of Air Quality Planning and Standards
Air Quality Policy Division (AQPD)
U.S. Environmental Protection Agency
109 T.W. Alexander Dr.
Durham, N.C. 27711

[Submitted Electronically through www.regulations.gov]

RE: Protection of Visibility: Amendments to Requirements for State Plans Rule [EPA-HQ-OAR-2023-0262]

Dear Ms. Millar,

The American Public Power Association (APPA or Association) appreciates the opportunity to submit comments for the U.S. Environmental Protection Agency (EPA or Agency) non-regulatory docket regarding the Regional Haze Rule (RHR) and its implementation through State Implementation Plans (SIPs) for the third planning period.

APPA is the national service organization representing the interests of more than 2,000 not for-profit community and state-owned electric utilities that together provide electricity to approximately 54 million Americans and employ approximately 96,000 people. Most public power utilities have 10 or fewer employees and serve towns, villages, or counties with fewer than 10,000 people. All but 144 of the nation's public power utilities would be considered a "small governmental jurisdiction" under the Regulatory Flexibility Act (*see* 5 U.S.C. §§ 601-12).

Public power utilities continue to be dedicated to clean air in our communities and the protection of the environment. Our members have made significant investments to reduce air emissions and become compliant with the broad suite of EPA air regulations, including those related to regional haze. APPA members have a significant stake in changes to the regional haze rule, which would have a significant financial impact on our members.

Our enclosed comments detail several recommendations to enhance the RHR during the third planning period. We urge the Agency to play a pivotal role in assisting states to implement the program, thereby reducing state burdens and leveraging other Clean Air Act programs for regional haze improvements.

Sincerely yours,

Carolyn Slaughter

Senior Director, Environmental Policy
The American Public Power Association

COMMENTS OF THE AMERICAN PUBLIC POWER ASSOCIATION ON PROTECTION OF VISIBILITY: AMENDMENTS TO REQUIREMENTS FOR STATE PLANS RULE

DOCKET ID No. EPA-HQ-OAR-2023-0262

June 28, 2024

Submitted by:

Carolyn Slaughter
Senior Director, Environmental Policy
The American Public Power Association
2451 Crystal Drive, Suite 1000
Arlington, VA 22202
(202) 467-2900

INTRODUCTION

The American Public Power Association (APPA or Association) appreciates the opportunity to submit comments for the U.S. Environmental Protection Agency (EPA or Agency) non-regulatory docket[1] regarding the Regional Haze Rule (RHR) and its implementation through state implementation plans (SIPs) for the third planning period.

In its memorandum establishing the docket,[2] EPA states that it is considering revisions to its RHR. The docket includes presentation slides from a webinar with "seed" questions.[3] EPA adds that the seed questions are meant to touch on some of the most common issues from prior planning periods but do not cover all the aspects of the program that would benefit from public feedback. Participants are invited to submit comments by June 28, 2024.

APPA is the national service organization representing the interests of more than 2,000 not-for-profit community and state-owned electric utilities that provide electricity to approximately 54 million Americans and employ approximately 96,000 people. Most public power utilities have ten or fewer employees and serve towns, villages, or counties with fewer than 10,000 people. All but 144 of the nation's public power utilities would be considered a "small governmental jurisdiction" under the Regulatory Flexibility Act.[4]

Public power utilities continue to be dedicated to clean air in our communities and the protection of the environment. Our members have made significant investments to reduce air emissions and become compliant with the broad suite of EPA air regulations, including those related to regional haze. APPA members have a significant stake in changes to the RHR, which would have a significant financial impact on our members.

Emissions from electric generating units (EGUs) have dropped dramatically and will continue to do so for the foreseeable future; since 1990, the two primary visibility-related emissions from power generators—sulfur dioxide (SO_2) and nitrogen oxides (NOx)—have been reduced by 96 and 90 percent, respectively.[5] In addition, by the end of the third planning period in 2038, a large portion of the current U.S. coal-based EGU fleet is expected to retire, leading to a further significant reduction in air emissions.

As EPA notes in its docket background presentation, visibility in Class I areas is improving. Between 2000 and 2020, state and federal emissions control programs, including the first implementation period of the Regional Haze Program (RHP), reduced total SO_2 emissions by 14.5

[1] https://www.regulations.gov/docket/EPA-HQ-OAR-2023-0262.
[2] https://www.regulations.gov/document/EPA-HQ-OAR-2023-0262-0001.
[3] https://www.regulations.gov/document/EPA-HQ-OAR-2023-0262-0002.
[4] 5 U.S.C. §§ 601-12.
[5] U.S. Environmental Protection Agency, Clean Air Power Sector Programs homepage, https://www.epa.gov/power-sector.

million tons per year (-89%) and total NOx emissions by 14.3 million tons per year (-64%). EPA estimates that visibility has improved significantly, with the average visual range increased by 15–25 miles in Class I areas. Emissions reductions from EGUs have played a significant role in improving visibility.

EPA's presentation outlined revisions to the RHR and articulated several principles: 1) ensure visibility improvement in Class I areas consistent with the Clean Air Act (CAA); 2) improve clarity regarding components of an approvable SIP; 3) develop rule revisions beginning with the 3rd planning period that provide a framework for the foreseeable future (i.e., do not need comprehensive rule revisions every planning period); and 4) minimize administrative/process burden, to the extent feasible.

Public power utilities work with state and sometimes local air regulators at stages of the RHP, including when they assess facilities and possible control options to include in regional haze SIPs and when implementing new regulatory actions. APPA appreciates the principles EPA has outlined to guide revisions to the RHR during the third planning period. Public power utilities value regulatory certainty, clarity and consistency over time, and administrative and process efficiency. APPA also values equitable rules, considering all sources of emissions and flexibility, and providing options for compliance will help APPA members keep electricity affordable, reliable, and increasingly clean. Due to the wide range of state conditions and the inclusion of new emission sources and smaller sources in control strategies, flexibility for states in the planning process and emissions sources in the implementation process is key.

To further frame revisions to the RHR, we recommend the Agency adopt the key framework statements from its August 2019 regional haze guidance, which support states leading the program, the need to reduce state burdens, and relying on other CAA programs for regional haze improvements:[6]

- Implementing the program with states in the lead (cooperative federalism).
- Reducing state planning burdens and supporting states in complying with the CAA.
- Leveraging emission reductions achieved through other CAA programs that will further improve visibility in protected areas.
- Ensuring that we are on a path that enables compliance with the CAA and improved visibility in Class I areas.

The comments below address several key principles from the second planning period: program efficiency, clarity, and maintaining state jurisdiction. They also address timing issues and how

[6] U.S. Environmental Protection Agency, Guidance on Regional Haze State Implementation Plans for the Second Implementation Period, August 20, 2019, 8-20-2019_-_regional_haze_guidance_final_guidance.pdf (epa.gov). (EPA 2019 Guidance).

EPA should prioritize support for states' health-based standards, and the importance of flexibility in planning and implementation.

I. EXECUTIVE SUMMARY

Early engagement with all stakeholders on the revision to the RHP is important, and public power utilities have a vested interest in ensuring the revised rule promotes program efficiency, clarity, and state decision-making. Electric utilities work with states and sometimes local air regulators during the various stages of the RHP. We believe the key to a successful program is flexibility, which provides options for compliance and helps electric utilities keep electricity affordable, reliable, and increasingly clean. As many coal-fired boilers are scheduled to retire over the next decade, remaining useful life considerations are important, as well as the need to maintain power supply options to meet demand, all while considering shifting generation capacity and infrastructure concerns. States need flexibility to consider all these factors before implementing costly controls. APPA's recommendations to improve the third planning period are as follows:

- APPA recommends EPA continue considering all federally enforceable actions for inclusion in regional haze planning, in addition:
  - EPA should prepare additional technical approaches and information to address new and smaller sources.
  - EPA should address opportunities for controls for sources that states do not have authority to regulate, including rail yards and locomotives, ships and ports, on-road and off-road mobile sources, wildfire management on federal lands, and international transport of air pollutants, among other sources.
  - EPA should consider opportunities to reduce emissions generated within Class I areas that may not have been directly or thoroughly addressed.
- APPA supports states' discretion in conducting an RHP four-factor analysis; given their unique contexts, challenges, and opportunities in different regions, one-size-fits-all approaches for visibility protection across all states are impossible.
- APPA encourages EPA not to set new measures, standards, or requirements limiting state discretion when establishing long-term strategies (LTS).
- APPA recommends that EPA outline a process, condition, or procedures for states that have essentially achieved the national goal and no longer require SIP revisions.
- APPA supports the extension of the SIP submittal and progress report deadlines for the third planning period.
- APPA supports EPA working with states and the regulated community to prioritize resources to address health-based standards, which will drive most, if not all, of the reasonable progress needed to meet regional haze goals.

II. EPA'S EARLY ENGAGEMENT TOPICS

EPA seeks stakeholder input on topics grouped under four themes: 1) reasonable progress, 2) four-factor analysis, 3) long-term strategy, and 4) future SIP obligations. Under some EPA themes, there are subthemes.

A. Reasonable Progress

Issue #1: EPA asks for input on reasonable progress - "How should the Regional Haze Program balance ongoing emissions reductions programs with the implementation of additional controls for the purpose of addressing visibility in Class I areas?"

EPA, in implementing the RHP, clearly allows consideration of all federally enforceable actions for inclusion in regional haze planning and SIPs to demonstrate regional haze reasonable progress. EPA should continue and enhance this approach.

The 2024 revised fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) is especially notable as a federal measure that will result in substantial SO_2 and NOx emission reductions that reduce ambient $PM_{2.5}$ and improve visibility. However, this rule is just the tip of the iceberg. On May 9, 2024, EPA also finalized a suite of rules impacting the power sector, namely the final carbon pollution standards for power plants that set carbon dioxide (CO_2) limits for new gas-fired combustion turbines and CO_2 emission guidelines for existing coal, oil and gas-fired steam generating units.[7] Other regulatory programs will deliver direct or indirect emission reductions of regional haze precursors, including other NAAQS and related NAAQS implementation rules (such as for the interstate transport rule related to the 2015 ozone NAAQS), hazardous air pollutant regulations, federal mobile source standards, and state climate change programs.

The first two planning periods have largely focused on large emitters of air pollutants. In the third planning period (2028-2038), APPA anticipates that at least some states will shift to focusing on different and smaller sources. As recommended by a large group of states discussed below, APPA believes that EPA should prepare new technical approaches and information to address these new and smaller sources in the source evaluations for the third planning period.

In considering regulatory changes for the third planning period, EPA should consider recommendations in a March 2023 report prepared for the Western States Air Resources Council

[7] U.S. Environmental Protection Agency, New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule, 89 *Fed. Reg.* 39,798-40,064 (May 9, 2024).

(WESTAR).[8] The WESTAR Report explains that limited opportunities exist for further reductions from large sources and that emission control considerations must include other sectors and jurisdictions. The report raises three important considerations moving forward.

- First, projected future emissions sources affecting visibility in many Western Class I areas will include important sources that states do not have jurisdiction to regulate, including rail yards and locomotives, ships and ports, on-road and off-road mobile sources, wildfire management on federal lands, and international transport of air pollutants, among other sources. EPA, however, has a range of regulatory tools and other mechanisms to secure emissions reductions from such sources. The report gives examples of how EPA could pursue opportunities to reduce emissions from these types of sources, such as grant funding provided under the Diesel Emissions Reduction Act (DERA) to address sources near selected Class I areas and federal government partnerships with Canada and Mexico to reduce emissions from these countries that affect visibility in selected U.S Class I areas.

- Second, the WESTAR Report notes that in prior regional haze planning periods, opportunities to reduce emissions generated within Class I areas may not have been directly or thoroughly addressed. These might include policies related to motorized vehicle use, campfire use, fleet management, grounds maintenance, recreational vehicle use, idling vehicles, and policies for concessionaires. EPA's RHR emphasizes enforceability, which is a challenge for the above sources. Given the future importance of such measures, EPA should consider options for revising the enforceability portion of its regional haze regulations to access new and important types of emissions reductions that can improve visibility.

- Third, visibility should continue to be important in determining when and how prescribed burning is managed. While prescribed burning is crucial for maintaining an ecosystem's health and reducing wildfires, impacts on visibility from increased prescribed fire emissions should be considered within Class I areas. For example, prescribed burning within the Badlands National Park, an annual event, has the effect of increased visibility impairment. Adjustments in how states consider Interagency Monitoring of Protected Visual Environments (IMPROVE) data, such as excluding visibility impairment contributions from prescribed burning, should be considered to avoid penalizing states and sources for the impact of prescribed burns.

[8] Western States Air Resources Council, Guiding Principles and Potential Areas of Improvement for the Regional Haze Program, Third Planning Period. Western Visibility Planning and Protection Initiative Outcomes Report, March 31, 2023, https://www.westar.org/wp-content/uploads/2023/05/WVPPI_OutcomesReport_March2023_Final.pdf. (WESTAR Report)

Issue #2: EPA asks for input on a second aspect of reasonable progress -- "Considering the CAA requirements, what type(s) of benchmarks (e.g., URP or other tracking metrics) could be used to determine if "reasonable progress" has been made in a Class I area?"

The uniform rate of progress (URP, also commonly called the glidepath), is established as a reasonable tracking metric for states to evaluate their progress in reaching the national visibility goal. Nevertheless, confusion exists among states and the regulated community about the URP, as EPA has recognized by revising discussion of the program in numerous documents following EPA's 2017 RHR,[9] including EPA's 2019 Guidance and a Clarification Memo issued in 2021.[10]

Several multi-state regional planning organizations (RPOs) continue to support using the URP as a tool for evaluating reasonable progress in SIP approvals.

LADCO, the five-state Lake Michigan Air Directors Consortium, believes that EPA should confirm that Class 1 areas below the URP are meeting reasonable progress, provided that "backstops [are] established to prevent backsliding relative to the progress achieved during the previous implementation period."[11] LADCO cites a second RPO, Metro 4/SESARM—serving 17 local and ten state air pollution control agencies—as taking the same position in a letter to EPA on July 18, 2023.

APPA agrees that using the URP directly as a tool for approving SIPs that meet a planning period URP/glide path "goal" simplifies and makes the planning process more understandable. Reaching natural background levels[12] at the end of the glidepath is the goal and purpose of the program.

[9] U.S. Environmental Protection Agency, EPA's Protection of Visibility: Amendments to Requirements for State Plans, 82 *Fed. Reg.* 3,078-3,129 (Jan. 10, 2017) (EPA 2017 RHR).

[10] U.S. Environmental Protection Agency, EPA's Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period, July 8, 2021, https://www.epa.gov/visibility/clarifications-regarding-regional-haze-state-implementation-plans-second-implementation. (EPA 2021 Clarifications Memo)

[11] Lake Michigan Air Directors Consortium (LADCO), Comment submitted to EPA, May 10, 2024, https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0262-0003

[12] Where a state may adjust the URP glidepath for impacts from international anthropogenic sources and certain prescribed fires on wildland; U.S. Environmental Protection Agency, Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program, December 2018, EPA-454/R-18-010, December 2018, https://www.epa.gov/sites/default/files/2018-12/documents/technical_guidance_tracking_visibility_progress.pdf

B. Four Factor Analysis

EPA asks for input on the four-factor analysis -- "The current rule requires states to apply the four factors to determine reasonable progress but does not expressly specify criteria for minimum source selection or cost thresholds. What are some examples of criteria that EPA could implement to help states identify sources to select for four-factor analysis? What types of rule revisions would help States identify cost-effective controls? If EPA were to identify a minimum cost-threshold, how could it be developed and applied?"

EPA's 2017 RHR requires that states consider certain factors, including visibility, and leaves room for other factors in the reasonable progress analysis. Ultimately, a state's approach must be detailed and reasonable.

Importantly, the WESTAR Report says that the RHR applies across U.S. states. However, given unique contexts, challenges, and opportunities in different regions, there may not be a good one-size-fits-all approach for visibility protection across all states.

The WESTAR Report adds that while state agencies are familiar with how to apply the four-factor analysis to EGUs and other large stationary sources, in future periods, air agencies may need to pursue emissions reductions from smaller point sources and other types of sources, such as area sources, agricultural emissions sources, and oil and gas emissions sources. It is unclear how the current four-factor analysis should be reasonably applied to such sources. Thus, EPA guidance on how to apply four-factor analysis for these new types of sources may be needed during the third RHR planning period.

Similarly, LADCO opines that state planners may need to look beyond stationary sources to nonpoint and mobile sources to control haze precursor emissions and recommends that the EPA define the potential substitutions or alternatives to the four-factor analysis for nonpoint sources.

EPA notes that the current rule requires states to apply the four factors to determine reasonable progress but does not expressly specify criteria for minimum source selection or cost thresholds and asks whether rule revisions (such as a minimum cost threshold) would help states identify cost-effective controls.

APPA believes that the RHP grants significant discretion to the states. Congress recognized the necessity of states considering and evaluating numerous factors and considerations when determining whether (and what sort of) reductions in emissions are necessary for making reasonable progress on visibility. A state may determine it is not necessary or technically feasible to conduct a four-factor analysis. Recall that the RHP concerns itself with *all* visibility-impairing emissions from a state—including minor sources, area sources, and mobile sources. It is not

technically feasible for EPA to establish a national cost threshold that is reasonable for all circumstances for all states. Furthermore, doing so would be counter to state discretion, where states lead regional haze planning and implementation.

Notably, LADCO recommends that the EPA should consider the diversity of sources across the country; the Agency should continue to give states discretion in setting criteria for source selection and cost-effectiveness thresholds in their four-factor analyses.

EPA's proposed disapproval of Kansas' regional haze SIP for the second planning period demonstrates several potential important modifications to the regional haze regulatory approach that EPA could make for the third planning period.[13]

EPA's proposed disapproval cites "lack of source selection, evaluation of emissions measures considering the four factors, and related inadequate documentation results."[14] By contrast, the Kansas Department of Health and Environment (KDHE) and a coalition of Kansas Utilities raised numerous reasons why the state's plan should have been approved. [15,16] The Kanas Utilities argue the SIP demonstrates reasonable progress without requiring a resource-intensive, costly four-factor analysis.[17]

The Kansas Utilities observe that EPA's 2019 Guidance says, "A state that does not select a source or sources for the following or any similar reasons should explain why the decision is consistent with the requirement to make reasonable progress, i.e., why it is reasonable to assume for the purposes of efficiency and prioritization that a full four factor analysis would likely result in the conclusion that no further controls are necessary."[18] EPA's 2021 Clarification Memo adds that "In this case, the state is not merely asserting that its sources need no further controls to make reasonable progress, but that even identifying sources to analyze is a futile exercise because it is obvious that a four-factor analysis would not result in any new controls."[19]

KDHE claims that EPA implies that any degree of visibility impairment greater than zero requires a full four factor analysis, which unnecessarily saddles states with an overly burdensome

[13] U.S. Environmental Protection Agency, Air Plan Disapproval; Kansas; Regional Haze, 89 *Fed. Reg.* 178-193 (Jan. 2, 2024).
[14] *Id*.
[15] Comment submitted by Kansas Department of Health and Environment, February 1, 2024, https://www.regulations.gov/comment/EPA-R07-OAR-2023-0582-0034 (KDHE Comments)
[16] Consolidated comments of the Kansas Utilities: the Kansas City Board of Public Utilities – Unified Government of Wyandotte County/Kansas City, Kansas; Evergy Inc.; and Sunflower Electric Power Corporation, February 1, 2024, https://www.regulations.gov/comment/EPA-R07-OAR-2023-0582-0035 (Kansas Utilities)
[17] In addition, the Kansas entities note that there are no Class I areas in the state, that no surrounding state has identified or consulted with Kansas regarding emission reductions by Kansas, and that electric power companies have reduced sulfur dioxide and nitrogen oxides emissions by 97 and 85 percent respectively since 2005.
[18] See EPA 2019 Guidance, page 23.
[19] See EPA 2021 Clarification Memo, page 6.

endeavor… whose impact to visibility is insignificant.[20] KDHE raises the issue of a visibility impact threshold where visibility impairment is insignificant.

APPA believes that EPA should continue to fully support state discretion in all aspects of regional haze assessments and planning.

C. Long-Term Strategy

EPA asks for input on long-term strategy – "The SIP must contain a long -term strategy that generally consists of the set of measures that 'are necessary for reasonable progress.' How should States and EPA determine which measures are necessary for reasonable progress and therefore must be included in the SIP?"

EPA, in its 2017 RHR and 2019 Guidance, specifies an intricate process for state planning while at the same time maintaining state discretion and cooperative federalism. APPA believes that EPA should not set new measures, standards, or requirements that would limit state discretion. Setting new measures would undermine states' discretion to consider the local facts and circumstances and to determine which sources should be evaluated for reasonable progress in each implementation period. Similar to establishing a cost threshold, establishing source selection criteria would undermine the Congressional intent to have states examine their emissions inventory and decide—based upon the local facts and circumstances—what are a reasonable set of sources, if any, to examine for emissions controls. A federalized set of criteria would not help to provide the states with the necessary flexibility and discretion to evaluate and assess each state's unique set of sources (including major stationary sources, area sources, mobile sources, etc.), as contemplated by the CAA.

D. Future SIP Obligations

EPA asks for input on future SIP obligations – 1) Should all states be required to submit a SIP revision for each planning period (every 10-15 years)? 2) Considering the CAA requirements, what criteria could EPA establish to determine that in some cases, no further revisions to the existing Long-term Strategy (LTS) are necessary (for a particular planning period)? For example, when should Class I areas be considered to have achieved the national goal and what should be required for contributing states to ensure these areas do not backslide? 3) Should EPA establish a statewide "de minimis" visibility contribution threshold value? How could a statewide contribution threshold value be developed? What SIP requirements should exist for states that contribute less than a "de minimis" contribution to all Class I areas?

[20] See KDHE Comments, page 2.

APPA believes that at some point in the future, e.g., during the third or fourth planning period, some states may have essentially achieved the national goal. Setting out a process and conditions or procedures for no longer requiring LTS/SIP revisions, except perhaps no backsliding provisions, would be appropriate.

In comments the Minnesota Pollution Control Agency (MPCA) submitted to this non-regulatory docket, the agency reinforces these points by stating that Minnesota Class I areas could potentially reach adjusted natural visibility conditions by the third implementation period (2028 – 2038). [21] Accordingly, MPCA requests that EPA consider defining in rule the requirements for Class I areas that are nearing or have reached natural visibility conditions. MPCA suggests that EPA should delineate the requirements for states when the Class I areas they impact are nearing or reaching natural visibility conditions when they are unadjusted and when they are adjusted.

III. ADDITIONAL TOPICS

A. Timing Issues

1. SIP Submittal Date for Third Planning Period

Given the high level of EPA CAA regulatory activity over the past few years, an extension of the SIP submittal deadline for the third planning period is justified. This is especially true if EPA undertakes new rulemaking on regional haze, which could take until late 2025 or later. Further, as is EPA, states are still very engaged in resolving second planning period SIP issues. Notably, on page 10 of the presentation slides for this non-regulatory docket, EPA says, "As with the 2nd planning period, EPA anticipates that it may be appropriate to extend the 3rd planning period SIP due date." APPA believes that an extension of the SIP due date is necessary.

The WESTAR Report recommends that any revisions to the RHR for the third planning period must be finalized before state agencies begin their planning process. WESTAR members began work for the second regional haze planning period in 2017 so that states could submit SIPs by the July 2021 deadline (and some states were still unable to meet the 2021 deadline). In other words, any rule revisions are needed five years before SIPs are due. If EPA completes rule revisions in late 2025, this suggests extending the SIP submittal due date to sometime in 2030-31. Such an adjusted SIP submittal schedule would also suggest adjusting the progress report submission deadline.[22]

[21] Comment submitted by Minnesota Pollution Control Agency (MPCA), November 30, 2023, https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0262-0004

[22] EPA must also finalize any modeling information or guidance that it wants states to consider in a timely manner, so that states have a reasonable opportunity to incorporate any such information into their SIP planning process for the third implementation period.

There is precedent for changing the submittal deadline. The EPA 2017 RHR updated the SIP submittal deadlines for the second planning period from July 31, 2018, to July 31, 2021, to ensure that they align with the steps states were already taking to address other CAA actions. This extension allowed states to consider planning for other federal programs, including the Mercury and Air Toxics Standards, the 2010 1-hour SO_2 NAAQS, and the 2012 annual $PM_{2.5}$ NAAQS while conducting regional haze planning.

An extension of the SIP submission deadline would ensure that EPA also can provide states with needed regional haze EPA technical tools, data, and assistance, such as an update of the September 2019 Technical Support Document that detailed updated 2028 regional haze modeling data and results, including domestic and international source contributions to Class I areas.[23] The same modeling for the year 2038 will be important for states in their efforts for the third planning period.

2. 2064 End Point

2064 is a somewhat arbitrary construct established by EPA's 1999 RHR.[24] Congress, in the Clean Air Act, does not address a date by which the visibility goal should be met. Therefore, EPA has the latitude to change the end date portion of the RHR if it makes sense or to revise the program objectives to follow emissions reduction progress more directly with a corresponding demonstration of continued improvement in visibility. APPA believes that the third and subsequent planning period programs could be revised and improved in a new RHP rulemaking, which simplifies and clarifies the planning process.

B. Focus On Health-Based Standards

LADCO and its member states—while committed to working to protect visibility—note that state air programs have limited financial and personnel resources to pursue all CAA mandates. LADCO encourages EPA "to take a holistic perspective of the states' responsibilities for managing our nation's air and to consider that the priorities need to be on the health-based standards first. Given the practical reality of limited resources and time, EPA should work with states to develop a haze program that ensures progress on visibility but does not direct resources away from states' work on the health-based standards." APPA similarly supports prioritizing resources to health-based standards, which will drive most, if not all, of the reasonable progress needed to meet regional haze goals.

[23] U.S. Environmental Protection Agency, Technical Support Document for EPA's Updated 2028 Regional Haze Modeling, Technical Support Document for EPA'S Updated 2028 Regional Haze Modeling | US EPA
[24] U.S. Environmental Protection Agency, Regional Haze Regulations, 64 *Fed. Reg*. 35,714-74 (Jul. 1, 1999)

C. Flexibility

APPA members work with state and sometimes local air regulators at stages of the RHP and key is flexibility, providing options for compliance, which help electric utilities keep electricity affordable and reliable, in addition to increasingly clean. During planning, remaining useful life considerations are key as well as the need to maintain power supply options to meet demand, all while considering shifting generation capacity and infrastructure concerns. States need flexibility to consider all these factors before requiring costly controls.

APPA agrees with comments by the Indiana Department of Environmental Management (IDEM) submitted to this non-regulatory docket.[25] IDEM observes that states need to have flexibility with source selections based on reduction potential and end of life projections, especially for EGUs. APPA concurs that many "shutdowns/retirements of coal-fired boilers are imminent; however, power supply and demand must be considered heavily while making changes to power generation capacity and portfolios. Infrastructure concerns and increasing energy demands require careful consideration before implementing costly controls that could result in detrimental loss of power generation that would affect the public with potentially life-changing impacts."

[25] Comment submitted by Indiana Department of Environmental Management, June 20, 2024, https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0262-0005