

## **Regional Haze Consent Decree Fact Sheet**

### **ACTION**

- On November 9, 2011 the U.S. Environmental Protection Agency (EPA) agreed to a schedule for taking action on 45 Regional Haze state implementation plans (SIPs).
  - States and territories (the District of Columbia and the U.S. Virgin Islands) have the primary responsibility of complying with the regional haze program and submitting SIPs.
- Today's action puts in motion a schedule to act on 45 state pollution reduction plans that will protect America's treasured national parks and wilderness areas from the damaging effects of regional haze.
  - These parks and wilderness areas, known as Class I Federal areas, include many of the best known and most treasured natural areas, such as the Grand Canyon, Yosemite, Yellowstone, Mount Rainier, the Shenandoah Valley, the Great Smokies, Acadia and the Everglades.
- In addition to improving visibility in our nation's most treasured natural areas, these plans will protect public health and promote local tourism and economic development, especially in the western United States. Haze-forming pollution, including nitrogen oxides, sulfur dioxide and particles, reduces visibility and also poses health risks including increased asthma symptoms and even premature death.
- The Regional Haze program requires installation of proven, cost-effective and widely available pollution controls to limit emissions from old industrial facilities, those from 35 to 50 years old, when those emissions impair visibility in parks and wilderness areas.
  - Regional Haze requirements were established in 1999 and SIPs were due in 2007.
  - In 2009, EPA made a finding that 37 states, the District of Columbia, and the Virgin Islands had failed to submit all or a portion of their Regional Haze SIPs.
- Many States have made significant progress to address this complex issue. Nearly all States have submitted SIPs, and EPA has initiated the process of acting on these SIPs
  - California and Delaware have final EPA-approved plans in place.
  - In some areas it is expected that the Regional Haze SIPs will take advantage of controls already put in place or planned as a result of other national rules, such as the Cross State Air Pollution Rule.
- This agreement by itself does not establish any specific control requirement on any specific emission source. Rather, this establishes a schedule by which EPA and States will take action to fulfill requirements under the Regional Haze program. Under this agreement, EPA will take one or more of the following actions:
  - Approve a SIP
  - Disapprove a SIP
  - Approve a SIP in part and disapprove a SIP in part
  - Issue a Federal Implementation Plan
- EPA will accept public comment on this proposed agreement for 30 days following publication of a notice in the Federal Register.

## BACKGROUND

- Regional haze is a national problem caused by multiple emission sources over a wide area. Visibility in different parts of the country is affected by different sources at different times of the year and under different weather conditions.
  - Because of these differences, States are best suited to address regional haze and have the lead on developing the implementation plans and emission control requirements.
- In the Clean Air Act Amendments of 1990, Congress established as a national goal the prevention of any future and the resolution of any existing, regional haze in mandatory class I Federal areas when impairment results from manmade air pollution.
  - For a list of Mandatory Class I Federal Areas, visit <http://www.epa.gov/visibility/class1.html>
  - A map of these areas can be viewed at [http://www.epa.gov/ttn/oarpg/t1/fr\\_notices/classimp.gif](http://www.epa.gov/ttn/oarpg/t1/fr_notices/classimp.gif)
- The pollutants that reduce visibility include fine particulate matter (PM<sub>2.5</sub>) and compounds that contribute to PM<sub>2.5</sub> formation, such as nitrogen oxides (NO<sub>x</sub>) and sulfur dioxides (SO<sub>2</sub>).
  - These pollutants also pose serious health risks for people with chronic respiratory diseases.
- In 1999, EPA promulgated regulations (40 CFR 51.308 and 51.309) that provided the requirements for states to develop and submit SIPs to address regional haze. The regional haze SIPs were due to EPA by December 17, 2007.
- Among the required elements of the SIPs, states must include determinations of Best Available Retrofit Technology (BART) and long term strategies to ensure that reasonable progress is being made to meet the national regional haze goal. See 64 FR 35714 and 70 FR 39104.

## FOR MORE INFORMATION

- Comments will be accepted for 30 days beginning when this proposed consent decree is published in the Federal Register. All comments should be identified by Docket ID No. EPA-HQ-OGC-2011-0929 and submitted by one of the following methods:
  - [Federal e-rulemaking portal](#);
  - [E-mail](mailto:oei.docket@epa.gov) (oei.docket@epa.gov);
  - Mail (EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001); or
  - Hand delivery (EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC).
- More information about this action is available at <http://www.epa.gov/visibility/actions.html>