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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

September 16, 2005

Air and Radiation Docket: OAR-2002-0076  
U.S. Environmental Protection Agency  
Mail Code B102  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Sir or Madam:

The Michigan Department of Environmental Quality (MDEQ) is pleased to submit the attached comments on the U.S. Environmental Protection Agency's proposed rule for the Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations as published in the Federal Register on August 1, 2005.

The MDEQ appreciates the opportunity to comment on the proposed requirements. If you have any question on these comments, please contact Ms. Teresa Walker, Air Quality Division at 517-335-2247, or you may contact me.

Sincerely,

G. Vinson Hellwig, Chief  
Air Quality Division  
517-373-7069

Attachment

cc/att: Mr. Jim Sygo, Deputy Director, MDEQ  
Ms. Barbara Rosenbaum, MDEQ  
Ms. Teresa Walker, MDEQ

Comments on the U.S. Environmental Protection Agency's  
Proposed Regional Haze Revisions Regarding Alternatives to  
Source-Specific Best Available Retrofit Technology  
(BART) Determinations

G. Vinson Hellwig, Chief  
Air Quality Division  
September 16, 2005

The Michigan Department of Environmental Quality (MDEQ) is submitting these comments in response to the U.S. Environmental Protection Agency's (EPA's) Proposed Rule, "Regional Haze Regulations; Revisions to Provisions Governing Alternative to Source-Specific Best Available Retrofit Technology (BART) Determinations", published in the *Federal Register* on August 1, 2005. The proposed rule revisions will govern how states implement alternatives to the BART requirements under the regional haze regulation.

The MDEQ's comments are described below:

1. EPA's proposal requested comments on whether it would be reasonable to allow states to use a weight-of-evidence approach to evaluate both air quality modeling results and other policy considerations. The proposal describes that the weight of evidence must demonstrate these elements: (1) the alternative program achieves emissions reductions that are within the range believed achievable from source-by-source BART at affected sources, (2) the program imposes a firm cap on emissions that represents meaningful reductions from current levels and, in contrast to BART, would prevent emissions growth from new sources, and (3) the State is unable to perform a sufficiently robust assessment of the emissions using the two-pronged visibility test due to technical or data limitations.

The MDEQ agrees with the concept of a weight-of-evidence approach, recognizing that there are a variety of methods to show visibility improvement. The regulation should require a weight of evidence demonstration to include emission inventory, monitoring data, meteorology, and various data analysis studies. While modeling is an important component of weight-of-evidence, the MDEQ believes it should not necessarily be weighted more heavily than the other factors mentioned above.

2. EPA's proposal suggests that "...states should have the opportunity to pursue source-by-source BART for one or more categories which are more appropriately addressed in that manner and a trading program for other source categories..."

The MDEQ is not opposed to an alternative program. However, to require some source categories to add controls while other source categories may avoid control through buying reductions elsewhere is contrary to the State's underlying management principals. Additionally, to have a positive impact, states still must ensure reductions at sources that directly impact visibility level. Use of a trading program to address haze for some but not all sources subject to BART may be counter-productive.

3. EPA's proposal requested comment on whether only the CALPUFF model should be used or if "regional scale models such as the Community Multiscale Air Quality model (CMAQ) and the Comprehensive Air quality Model with extensions (CAMX)," should be allowed for BART determinations in the alternative-program context.

The MDEQ and the Region 5 states are using the CALPUFF model and to maintain consistency with the other states in the regional area we prefer to continue using this methodology. If the other modeling programs are not automatically required but remain optional alternatives, MDEQ agrees with the proposal to include them.

4. EPA's proposal indicated that "...in some cases, emissions reductions required to fulfill CAA requirements other than BART (or to fulfill requirements of a State law or regulation not required by the CAA) may also apply to some or all BART eligible sources...". States then have the option to determine whether those reductions would result in greater reasonable progress than would the installation and operation of BART controls at all sources subject to BART, which are covered by the program.

The MDEQ interprets this statement to mean sources which made reductions, required pursuant to a different program, have fulfilled their obligations under BART and the requirements are no longer applicable to that specific source. The MDEQ would like clarification in the BART regulations that if a source adds on controls for one pollutant as required to fulfill program requirement to other than BART but still has the potential to emit for other pollutants, the addition of controls targeting one pollutant does not remove the BART applicability for other pollutants at the BART subject source.

5. The EPA's proposal included a description of each of the trading program requirements and requests comments.

Several sections of EPA's proposal contain discussions about the Western Regional Air Partnership's (WRAP) Annex regulations. EPA's proposal states, "...there are compelling policy reasons to continue to recognize the GCVTC/WRAP strategies and to provide a regulatory framework in the regional haze rule that allows for expedited implementation by interested States and Tribes."

The tie between the WRAP Annex and implementation by interest states and tribes in several sections of the proposal implies that the proposal intends to make the WRAP Annex applicable to all states, not just the ones who participated in the GCVTC/WRAP Annex. The MDEQ suggests that the language needs to clarify in which states the WRAP Annex will or can apply.