



**General Principles for the 5-Year
Regional Haze Progress Reports for the
Initial Regional Haze State
Implementation Plans (Intended to Assist
States and EPA Regional Offices in
Development and Review of the Progress
Reports)**

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Please note:

This document has been developed by the U.S. Environmental Protection Agency (EPA) for the EPA Regional Offices and states in preparing and reviewing the 5-year progress reports for the initial regional haze state implementation Plans (SIPs). This document represents the EPA's best efforts to summarize and clarify the requirements for the first 5-year reports but it is not a regulation and does not change or substitute for any legal requirements in the Clean Air Act (CAA) or the Regional Haze Rule. Any decisions regarding the approvability of a particular 5-year report will be made based on the CAA and the relevant regulations with an opportunity for public review and comment. Therefore, questions and objections may be raised in particular situations.

I. Background

The Environmental Protection Agency's (EPA) Regional Haze Rule includes provisions for 5-year progress reports. The requirements for these reports are included for most states in 40 CFR 51.308 (g) and (h). Three western states (New Mexico, Utah and Wyoming) exercised an option provided in the Regional Haze Rule to meet alternative requirements contained in 40 CFR 51.309 for regional haze statement implementation plans (SIPs). For these three states, the requirements for 5-year progress reports are identical to those for the other states, but for these states the requirements for the reports are codified in 40 CFR 51.309(d)(10).

An explanation of the 5-year progress reports is provided in the preamble to the EPA's 1999 Regional Haze Rule. 64 FR 35747 (July 1, 1999). The Regional Haze Rule requires a comprehensive analysis of each state's regional haze SIP every 10 years and a progress report every 5 years. This 5-year review is intended to provide a progress report on, and, if necessary, mid-course corrections to, the regional haze SIP. The progress report provides an opportunity for public input on the state's (and the EPA's) assessment of whether the approved regional haze SIP is being implemented appropriately and whether reasonable visibility progress is being achieved consistent with the projected visibility improvement in the SIP.

This document is intended to provide assistance to states and to the EPA Regional Offices in the development and review of the 5-year progress reports.

II. Progress Report Elements

A. Status of Control Strategies¹ in the Regional Haze SIP. Sections 51.308(g)(1) and 51.309(d)(10)(i)(A).

A description of the status of implementation of all measures included in the implementation plan for achieving reasonable progress goals for mandatory Class I Federal areas both within and outside the State.

To meet this requirement, the report should identify the control measures in the state's regional haze SIP that apply to sources within the state that the state relied on to meet the requirements of the regional haze program. The EPA expects states to describe:

(1) The control measures for the sources and/or source category or categories that the state regulated for purposes of the regional haze program. For example, for a number of states, the approved SIP includes source specific limits for best available retrofit technology (BART²) and reasonable progress sources. A description of those limits and a discussion of whether the compliance date has been met should be included in the report for each source regulated by the state's regional haze SIP.

(2) Additional control measures that the state relied on to meet the requirements of the regional haze program that were to take effect in the first planning period (i.e., the time period between SIP submittal and the end of 2018) for sources and source categories located within the state. For example, the state may have relied on the EPA regulations to provide the emissions reductions needed to meet the requirements for BART and reasonable progress. For a number of eastern and midwestern states, the EPA rules

¹ Although not required by the Regional Haze Rule, it would be useful for the reports to include a brief description of the overall nature of the visibility problem in Class I areas affected by the state. For example, eastern Class I areas and western Class I areas have differences in the relative importance of species (sulfates, nitrates, organics, etc.) and in the relative importance of contributing source categories. Beginning with such a brief description would serve to provide a useful context for the information presented in the report.

² Where such BART emissions limits have been established, the 5-year progress reports are required to identify the emissions limits and to evaluate the status of their implementation. The EPA does not view the 5-year progress report as a vehicle to revisit the appropriateness of approved BART limits.

affecting sulfur dioxide (SO₂) emissions from electric generating units (EGUs) are an important component of the regional haze strategy. In addressing this requirement, the 5-year report should include a description of those rules and the status of their implementation as they pertain to sources within the state. Currently, given the vacatur of the Cross-State Air Pollution Rule (CSAPR), the EPA and states will continue to implement the Clean Air Interstate Rule (CAIR). It would be useful to discuss the current status of those programs, and any additional EGU rules or limits that may apply.³

The report should focus on a targeted evaluation of important control measures that achieve reductions in visibility-impairing pollutant species. For example, few states considered volatile organic compounds (VOC) to be a visibility-impairing pollutant in the regional haze SIP. Thus, although VOC measures that exist for other purposes are included in the inventory projections, it would not be helpful for most states to have a detailed listing of the VOC measures that apply in the regional haze progress report. As the regulatory language makes clear, the report must include not only those measures being taken in the SIP for purposes of achieving visibility progress within the state, but also those measures being taken to achieve visibility progress in affected Class I areas outside the state. However, under 51.308(g)(1) or 51.309(d)(10)(i)(A), the report is only

³ For a number of states, the EPA took rulemaking actions to issue limited disapprovals of regional haze SIPs that relied on the CAIR trading programs to satisfy BART for power plants. To address the deficiencies identified by EPA in the limited disapprovals, EPA promulgated federal implementation plans (FIPs) relying on CSAPR to satisfy BART for EGUs participating in the CSAPR trading program. Subsequently, the D.C. Circuit in *EME Homer City Generation v. EPA*, 696 F.3d7 (2012) issued a decision vacating CSAPR and ordering EPA to continue implementing CAIR. The EPA believes that the *EME Homer City Generation* court's order impacts the reasoning that formed the basis for the EPA's limited disapprovals of the regional SIPs based on CAIR. The United States has requested the Supreme Court to review the *EME Homer City* decision. The EPA expects to propose an appropriate action regarding these original regional haze SIPs upon final resolution of *EME Homer City Generation v. EPA*. At that future point in time, the EPA will also determine whether any revisions to this document are needed to address any related issues for the 5-year progress reports.

expected to include those measures applicable to sources located within the state. For each appropriate measure, the compliance date for the measure as required by the SIP or federal rules should be listed. If a measure was evaluated but was not included in the SIP, we do not expect the report to list it to address the requirement in this paragraph.

It also may be helpful (although not specifically required by the regulations) for the report to include a qualitative discussion of noteworthy changes in source activity⁴ such as enforcement settlements, large new sources, source shutdowns, changes in patterns of fuel use, growth or declines in particular industries, state regulations enacted after development of the regional haze SIP, and similar activities or occurrences that might help inform visibility progress over the 5-year period.

Finally, the EPA recognizes that not all states have fully approved regional haze SIPs. In a few states, the regional haze requirements are currently being implemented solely by a federal implementation plan (FIP). For some states, certain control measures are in the state's SIP, while others are currently contained in a FIP. In both of these situations, the state is required in the 5-year report to address the status of implementation of all control measures contained in final SIPs or FIPs.

⁴ This qualitative discussion can and should include noteworthy measures whether or not they are federally enforceable. The inclusion of this discussion would provide additional context on which to assess progress; it is not, however, necessary (unless requested by the state) that the identified measures be made federally enforceable, nor does inclusion in this report make them federally enforceable. The only situations where federally enforceable measures are required is when corrective action is needed, within 1 year of the 5-year report deadline, pursuant to paragraph 51.308(h)(4) and similar language in 51.309.

**B. Emissions Reductions from Regional Haze SIP Strategies.
Sections 51.308(g)(2) and 51.309(d)(10)(i)(B).**

A summary of the emissions reductions achieved throughout the State through implementation of the measures described in paragraph (g)(1) of this section.

To meet this requirement, progress reports should identify and estimate emissions reductions to date in visibility-impairing pollutants from the SIP measures discussed above. We do not expect this to involve detailed new emissions inventory activities such as questionnaires or other new data collection. Because nearly all of the initial regional haze SIPs (those submitted to satisfy the first 10-year implementation period only) considered only SO₂, nitrogen oxide (NO_x), and particulate matter (PM) as visibility-impairing pollutants, the first 5-year reports are usually not required to identify or quantify emission reductions for other pollutants, such as ammonia or VOC. In addition, in meeting this requirement we do not expect states to quantify emission reductions for measures which have not yet been implemented or for which the compliance date has not yet been reached. These measures should be addressed in the “status of measures” discussion under sections 51.308(g)(1) and 51.309(d)(10)(i)(A). Also, in meeting this requirement, judgment is appropriate in the degree of quantification for the measures that were relied upon. If a measure is listed as a relied upon measure under 51.308(g)(1) or 51.309(d)(10)(i)(A), this does not necessarily mean a detailed quantification is required for each measure under 51.308(g)(2), especially if a given measure is a relatively small contributor to the overall “emissions reductions achieved throughout the State through implementation of the measures.”

Because reductions in SO₂ and NO_x emissions from EGUs are generally critical elements of each state's regional haze strategy, the 5-year progress reports should identify sources reporting to the EPA's Clean Air Markets Division (CAMD) and discuss emissions trends for the state using the latest information available from the CAMD "Clean Air Markets Data and Maps" website: <http://ampd.epa.gov/ampd/> . We note that CAMD data for purposes of quantifying these emissions trends will generally be available for a more recent year than the year associated with the comprehensive overall emissions inventory under 51.308(g)(4).

C. Visibility Progress.

Sections 51.308(g)(3) and 51.309(d)(10)(i)(C).

For each mandatory Class I Federal area within the State, the State must assess the following visibility conditions and changes, with values for most impaired and least impaired days expressed in terms of 5-year averages of these annual values.

(i) The current visibility conditions for the most impaired and least impaired days;

(ii) The difference between current visibility conditions for the most impaired and least impaired days and baseline visibility conditions;

(iii) The change in visibility impairment for the most impaired and least impaired days over the past 5 years.

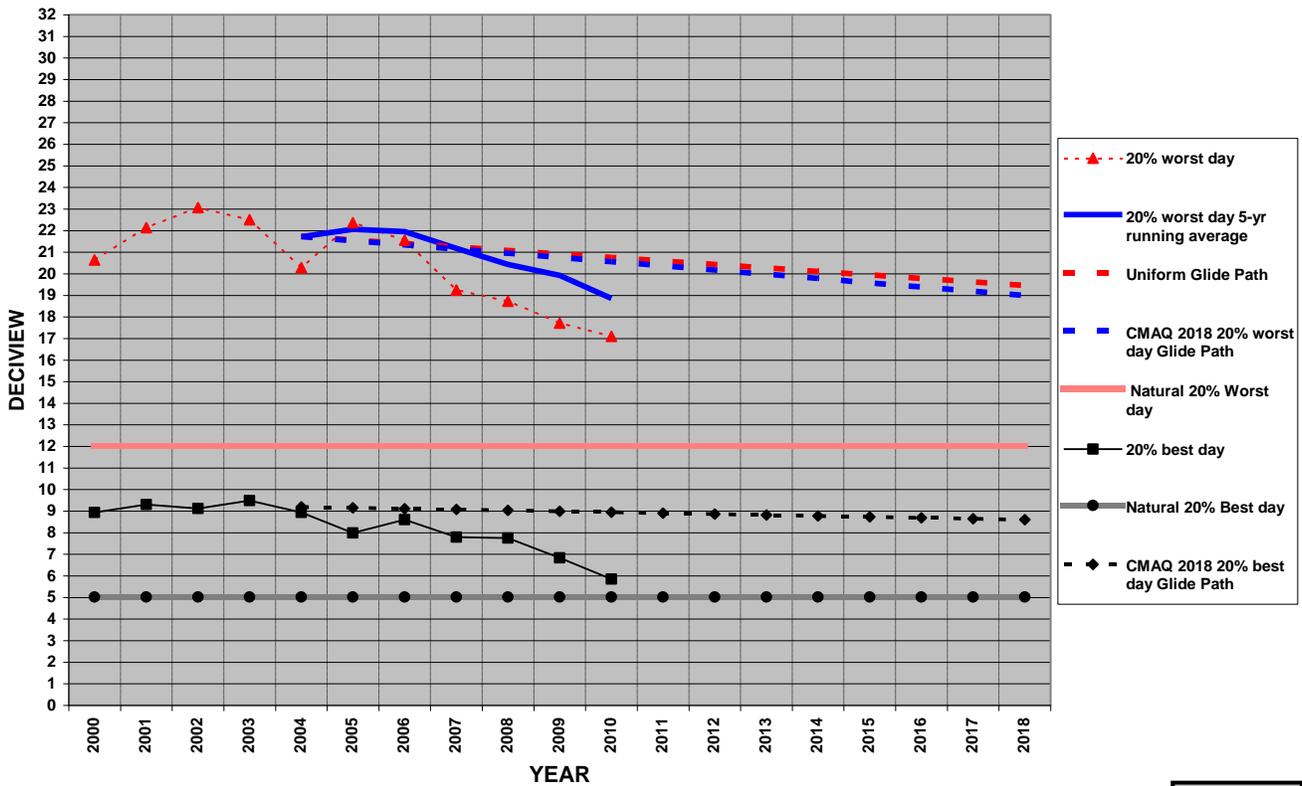
This requirement only applies to states with Class I areas within their borders. For those states, for each Class I area, data available from the Interagency Monitoring of Protected Visual Environments (IMPROVE) network of monitors will generally provide the visibility information required by this paragraph. In some cases, the IMPROVE data may be supplemented by data collected by the state. According to the Regional Haze Rule, the "most impaired days" and "least impaired days" refers to the average visibility impairment (measured in deciviews) for the 20 percent of monitored days in a calendar

year with the highest and lowest amount of visibility impairment, respectively, averaged over a 5-year period. Thus the “change in visibility impairment for the most impaired and least impaired days over the past 5 years” is comparing the 5-year average for the beginning of the 5-year time period with the 5-year average at the end of the 5-year time period.

This section requires the report to include deciview values for three separate time periods: “current visibility conditions,” “baseline visibility conditions,” and “the past 5 years.” “Baseline visibility conditions” refers to conditions during the 2000-2004 time period and was identified by the states in their regional haze SIPs. For “current visibility conditions,” the reports should include the 5-year average that includes the most recent quality assured public data available at the time the state submits its 5-year progress report for public review. The year associated with the “past 5 years” would be the year 5 years previous to the year used for “current visibility conditions.”

The following chart shows an example of the type of visibility displays that are readily available. For example, the blue line on this chart displays the rolling 5-year average for the worst days for each year from the baseline period through the year with the most recent data. The EPA believes that while only three time periods are called out

MOOSEHORN NWR, MAINE CLASS I AREA REGIONAL HAZE DATA ANALYSES



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specifically in the Regional Haze Rule, states should instead consider a chart of the rolling average similar to this example, to provide the public with more complete information and to avoid any possible unnecessary discussion over whether the correct years were selected. In addition, states should provide a table of the underlying data for ease of review. Although only total visibility in deciview is required to be reported by the Regional Haze Rule, it may also be useful to include additional monitoring data to

provide context for the overall visibility assessment. For example, trends in organic species may help provide useful information about the effect of wildfires on progress.

Monitoring data to meet this requirement are readily available. For example, the Western Regional Air Partnership has developed a Technical Support System (TSS) that provides readily available visibility data and summaries for purposes of meeting this requirement. See <http://vista.cira.colostate.edu/TSS/Home/About.aspx>. The EPA notes that other Multi-Jurisdictional Organizations (MJOs) have also prepared summaries of available monitoring data for their states to use.

D. Emissions Progress.

Sections 51.308(g)(4) and 51.309(d)(10)(i)(D).

An analysis tracking the change over the past 5 years in emissions of pollutants contributing to visibility impairment from all sources and activities within the State. Emissions changes should be identified by type of source or activity. The analysis must be based on the most recent updated emissions inventory, with estimates projected forward as necessary and appropriate, to account for emissions changes during the applicable 5-year period.

This requirement calls for tracking changes in emissions of visibility-impairing pollutants across the entire inventory, including both emissions increases as well as decreases. For an analysis that “track[s] the change over the past 5 years,” the report will need to compare emissions at two points in time. While there is flexibility to determine the relevant 5-year time period to be used in tracking the entire inventory, this provision clearly calls for “tracking” of a “change” over a 5-year period, which necessitates at least 2 inventory years, 5 years apart. While ideally the EPA views the “applicable 5-year period” to represent the 5 years that have elapsed since the state submitted its regional haze SIP, there is room for state discretion in the reports regarding the 5-year period that is considered to be most practical and useful for meeting this requirement. There is an

inevitable time lag in developing and reporting inventories and thus trends over the most recent 5 years will not be available. Accordingly, the EPA does not view the exact years selected for overall emissions trends as critical.

The EPA expects to have the capability to provide emissions inventory summaries, should states find this useful for the 5-year reports, including (1) summaries for 2005, (2) summaries for the latest year available, 2008 (or later years such as 2011 depending on when the 5-year report is being prepared), and (3) starting in approximately spring 2013, projections for 2012 derived from the EPA's work on regulatory impact analyses. Further discussions with states and MJOs are needed to determine whether this assistance on the EPA's part is necessary or helpful for the states.

Many important changes in inventories have occurred between 2007 or 2008 and the present, the most significant two being substantial decreases in SO₂ emissions from EGUs and other point sources and very large decreases in NO_x emissions from on-road and other mobile source engines. As noted previously, the reports should include the latest inventory updates for EGUs. States should consider providing updates to the mobile source inventory⁵ and projections in their reports where NO_x reductions are a significant element of the expected visibility improvements in the regional haze SIP.

Disaggregating emissions trends to the county level is not necessary for the 5-year reports. There may be cases where for some portion of the inventory, a county-level summary may help inform emissions patterns affecting visibility in a nearby Class I area.

⁵ The EPA recognizes that in some instances, mobile source comparisons for two years such as 2002 and 2007 may be affected by changes in mobile source emissions methodologies. Where this is the case, EPA does not expect states to re-calculate mobile source emissions for the earlier years, but we would expect a qualitative discussion of the effect of the methodology change on the reported trends.

The EPA does not discourage targeted county or similar-level disaggregation in such cases. The EPA expects, however, that in most cases a state-level summary will suffice.

Similarly, the EPA does not expect a detailed disaggregation into many subcategories. For much of the eastern U.S., for example, the visibility problem is primarily attributed to sulfates. Where this is the case, a broad disaggregation into 4 - 6 categories should be acceptable, so long as point source emissions are identified as a separate subcategory. Another possible way to disaggregate, in situations that are less dominated by sulfates, is to use readily available the EPA-developed “Tier 1” 13-category summaries, or to use summaries similar to the Tier 1 summaries. Because for direct PM, much of the emissions in the EPA’s Tier 1 reports are identified as “miscellaneous” emissions, the EPA recommends disaggregating that category unless direct PM is an insignificant part of the reasonable progress strategy. The following table displays an example of the modified Tier 1 disaggregation:

	NO _x	SO ₂	PM _{2.5}
State X			
CHEMICAL & ALLIED PRODUCT MFG	34	7	19
FUEL COMB. ELEC. UTIL.	63,811	78,255	3,755
FUEL COMB. INDUSTRIAL	21,040	13,511	1,145
FUEL COMB. OTHER	15,427	3,375	18,300
HIGHWAY VEHICLES	169,072	2,211	8,048
METALS PROCESSING	27,242	8,900	5,231
MISCELLANEOUS; Agriculture & Forestry; agricultural crops			54,096
MISCELLANEOUS; Agriculture & Forestry; agricultural livestock			
MISCELLANEOUS; Agriculture & Forestry; fertilizer application			
MISCELLANEOUS; Health Services; other	5	0	0
MISCELLANEOUS; Other Combustion; agricultural fires	555	74	1,850
MISCELLANEOUS; Other Combustion; prescribed burni	1,347	935	12,897
MISCELLANEOUS; Other Fugitive Dust; construction			2,944

MISCELLANEOUS; Other Fugitive Dust; paved roads			4,987
MISCELLANEOUS; Other Fugitive Dust; public unpaved roads			30,309
OFF-HIGHWAY	99,569	2,795	7,252
OTHER INDUSTRIAL PROCESSES	2,995	2,590	8,284
PETROLEUM & RELATED INDUSTRIES	195	189	319
SOLVENT UTILIZATION	295	34	396
STORAGE & TRANSPORT	39	2	1,983
WASTE DISPOSAL & RECYCLING	6,711	867	8,083
Anthropogenic Subtotal	408,339	113,745	169,897
MISCELLANEOUS; Other Combustion; forest wildfires	3,182	3,086	50,384
NATURAL SOURCES	26,919		
Natural Subtotal	30,102	3,086	50,384
Grand Total	438,440	116,831	220,280

**E. Assessment of Changes Impeding Visibility progress.
Sections 51.308(g)(5) and 51.309(d)(10)(i)(E).**

An assessment of any significant changes in anthropogenic emissions within or outside the State that have occurred over the past 5 years that have limited or impeded progress in reducing pollutant emissions and improving visibility.

A “significant change” that can “limit or impede progress” could be either (1) a significant unexpected increase in anthropogenic emissions that occurred over the 5-year period (that is, an increase that was not projected in the analysis for the SIP), or (2) a significant expected reduction in anthropogenic emissions that did not occur (that is, a projected decrease in emissions in the analysis for the SIP that was not realized). This requirement is aimed at assessing whether any such significant emissions changes have occurred within the state over the 5-year period since the SIP was submitted, and whether emissions increases outside the state are affecting a Class I area within the state adversely. For those Class I areas where there is a significant overall downward trend in both visibility and nearby emissions, we expect that this assessment will point to those trends in support of a simple negative declaration satisfying this requirement. In Class I areas where less visibility progress has occurred, or where visibility progress is more uncertain, greater attention should be paid to evaluate whether there have been changes to expected emissions patterns in nearby states or source categories within the region that have affected progress. The EPA expects this requirement can be addressed with readily available information, and the EPA does not expect new emissions inventory collection or air quality modeling. Note that this provision applies to all states, including those without Class I areas within the state. The EPA also notes that changes in wildfires are not a “change” to report under Sections 51.308(g)(5) and 51.309(d)(10)(i)(E).

F. Assessment of Current Strategy.

Sections 51.308(g)(6) and 51.309(d)(10)(i)(F).

An assessment of whether the current implementation plan elements and strategies are sufficient to enable the State, or other States with mandatory Federal Class I areas affected by emissions from the State, to meet all established reasonable progress goals.

Consistent with the statement in the preamble to the 1999 Regional Haze Rule that the 5-year progress reports are to “involve significantly less effort than a comprehensive SIP revision,” the EPA views this requirement as a qualitative assessment, in light of emissions and visibility trends and other readily available information, as to whether Class I areas affected by the state (both within the state and in other states) are on track to meet their 2018 reasonable progress goals. We expect that this requirement can be addressed without performing new air quality modeling.

In addressing the requirements in this section, the reports should list each Class I area affected by sources in the state, as identified in the SIP. For those areas, the reports should assess qualitatively whether the emissions and visibility trends suggest any deficiencies in the SIP that will affect achievement of the reasonable progress goals for those Class I areas. In addition, there is a forward-looking component to this section, requiring a qualitative assessment of progress expected by the end of 2018. For example, the state should discuss measures and expected emissions reductions for measures with compliance dates that have not yet become effective. This forward-looking assessment should also be useful in identifying control measure and air quality evaluation issues that should be addressed in detail in the analytical work for the second 10-year implementation period.

For each Class I area affected by sources in the state, the report should generally identify the “established” 2018 reasonable progress goal for the first 10-year planning period. In some cases, however, we expect that a state could satisfy the requirement to assess continuing SIP adequacy without referring to the specific numerical targets or the uniform rate of progress goal or “glide path” value.⁶ For example, if the progress report explains that the areas affected by sources in the state achieve visibility progress almost entirely due to reduction in sulfates, and provides evidence that the state is reducing its SO₂ emissions by substantially more than was expected when the SIP was developed, such a discussion would provide a sufficient showing that the state is on track for ensuring reasonable progress in Class I areas, regardless of the specific numeric goals established for the first 10-year implementation period.

**G. Review of Visibility Monitoring Strategy.
Sections 51.308(g)(7) and 51.309(d)(10)(i)(G).**

A review of the State's visibility monitoring strategy and any modifications to the strategy as necessary.

This requirement only applies to states with Class I areas within their borders. The EPA expects that states will use the IMPROVE network to provide for visibility and species measurements, in some cases supplemented by monitors operated by the state or others. The EPA expects that in responding to this requirement, most states will simply include a statement confirming continued reliance on IMPROVE. This does, however, provide an opportunity to point out any weaknesses, and to discuss any improvements in the monitoring program that may be warranted to address identified weaknesses. This

⁶ There may be some cases where such a reasonable progress goal has not yet been finalized for some class I areas affected by the state preparing the 5-year progress report, given that some nearby states with Class I areas affected by the state may not have approved SIPs. For such cases, states should describe the status of development of the goal but need formally assess only those “established” goals that are SIP-approved.

section of the report should also discuss any significant expected changes to the IMPROVE network for the state's Class I areas, such as changes in operating sites, monitoring frequency, or methods.

H. Determination of Adequacy.
Sections 51.308(h) and 51.309(d)(10)(ii).

(h) Determination of the adequacy of existing implementation plan. At the same time the State is required to submit any 5-year progress report to the EPA in accordance with paragraph (g) of this section, the State must also take one of the following actions based upon the information presented in the progress report:

(1) If the State determines that the existing implementation plan requires no further substantive revision at this time in order to achieve established goals for visibility improvement and emissions reductions, the State must provide to the Administrator a negative declaration that further revision of the existing implementation plan is not needed at this time.

(2) If the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another State(s) which participated in a regional planning process, the State must provide notification to the Administrator and to the other State(s) which participated in the regional planning process with the States. The State must also collaborate with the other State(s) through the regional planning process for the purpose of developing additional strategies to address the plan's deficiencies.

(3) Where the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another country, the State shall provide notification, along with available information, to the Administrator.

(4) Where the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources within the State, the State shall revise its implementation plan to address the plan's deficiencies within one year.

Where the visibility and emissions trends indicate substantial progress, we expect that this requirement will be satisfied with a simple negative declaration according to the first option. The second and third options, pertinent only to states with Class I areas, provide the opportunity to identify possible emissions in other states, or in other

countries, that may be impeding progress for the Class I areas within the state. The second option provides an opportunity to identify issues which may require multi-state collaboration for the next 10-year comprehensive SIP revision. The EPA envisions the fourth option as being primarily applicable to situations for which a state's control measures in the regional haze SIP are not being implemented, or are being implemented in a way that achieves less emissions and visibility progress than provided for in the approved SIP. For example, if an emissions limit was achieving less emissions reductions than envisioned because of an inadvertent regulatory language defect in a rule, it is entirely appropriate as a mid-course correction to amend the rule in an expeditious manner. On the other hand, it is not realistic to presume that an entire overhaul of the regional haze control strategy could be accomplished within one year. The EPA does suggest, however, that states use this as an opportunity for critical thinking in identifying candidate control measures, categories, and strategies, and an opportunity to begin considering how the regional haze SIP could be improved during the next 10-year implementation period.

III. Procedural Requirements

A. Administrative Process.

Section 51.308(g) and 51.309(d)(10).

The progress reports must be in the form of implementation plan revisions that comply with the procedural requirements of §51.102 and §51.103.

States must follow the formal SIP revision administrative procedures, including public review, before formally submitting the 5-year progress report to the EPA. The EPA and states have been working together on efforts to reform and clarify these SIP-

related administrative procedures. These efforts resulted in the following two the EPA memoranda:

(1) Memorandum from Janet McCabe to the EPA Regional Administrators: Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and the Use of “Letter Notices.” April 11, 2011.

<http://www.epa.gov/airquality/urbanair/sipstatus/docs/mccabeLtrRAs.pdf>

(2) Memorandum from Janet McCabe to the EPA Regional Administrators: Guidance for Preparing Letters Submitting State Implementation Plans (SIPs) to the EPA and for Preparing Public Notices for SIPs. November 22, 2011.

<http://www.epa.gov/airquality/urbanair/sipstatus/docs/FINALSIPGuidelinesSubLtrsPN.pdf>

States should consult with their Regional Offices to discuss available mechanisms to simplify procedural requirements.

**B. Consultation with Federal Land Managers
Sections 51.308(i)(2) and (3).**

2) The State must provide the Federal Land Manager with an opportunity for consultation, in person and at least 60 days prior to holding any public hearing on an implementation plan (or plan revision) for regional haze required by this subpart. This consultation must include the opportunity for the affected Federal Land Managers to discuss their:

*(i) Assessment of impairment of visibility in any mandatory Class I Federal area;
and*

(ii) Recommendations on the development of the reasonable progress goal and on the development and implementation of strategies to address visibility impairment.

(3) In developing any implementation plan (or plan revision), the State must include a description of how it addressed any comments provided by the Federal Land Managers.

Because this language refers to “this subpart,” it covers the “plan revisions” required by both Section 308 and 309, including the 5-year progress reports. The 5-year progress report should document the required consultation with Federal Land Managers.

C. Deadlines for Submitting the First 5-Year Progress Report

51.308(g): The first progress report is due 5 years from submittal of the initial implementation plan.

51.309(d)(10): Each Transport Region State must submit to the Administrator periodic reports in the years 2013 and 2018.

For convenience, and in order to provide opportunity for feedback on the EPA’s current understanding of the dates of initial SIP submittal, the following table identifies the initial regional haze SIP submittal date, and the first 5-year regional haze progress report deadline for each state. The EPA notes that it is permissible to submit the 5-year report earlier than the deadline. Some states may wish to coordinate technical efforts through MJOs which would result in some states submitting at or near the deadline while others would submit the 5-year report earlier.

The EPA notes that upon the EPA’s finding that a state has not submitted a 5-year progress report SIP revision by the deadline, this action would start a “clock” for the EPA to complete the progress report within 2 years. There would be no mandatory sanctions triggered by such an action, although the EPA would have the authority to employ discretionary sanctions. The clock would be “turned off” through the submission of a complete progress report SIP by the state and approval of the SIP revision by the EPA.

Deadlines for the First 5-Year Regional Haze Progress Reports by State and the EPA Region.

State/Local Jurisdiction	EPA Region	Initial RH SIP Submittal Date	First RH 5-year Progress Report Due No Later Than
Connecticut	1	11/13/2009	November 2014
Maine	1	12/9/2010	December 2015
Massachusetts	1	12/30/11	December 2016
New Hampshire	1	1/29/2010	January 2015
Rhode Island	1	8/10/2009	August 2014
Vermont	1	8/31/2009	August 2014
New Jersey	2	7/28/2009	July 2014
New York	2	3/16/2010	March 2015
Virgin Islands *	2	10/22/2012	October 2017
Delaware	3	9/25/2008	September 2013
District of Columbia	3	9/21/2010	February 2015
Maryland	3	2/13/2012	February 2017
Pennsylvania	3	12/10/2010	December 2015
Virginia	3	10/4/2010	October 2015
West Virginia	3	6/18/2008	June 2013
Alabama	4	7/15/2008	July 2013
Florida	4	3/19/2010	March 2015
Georgia	4	2/11/2010	February 2015
Kentucky	4	6/25/2008	June 2013
Mississippi	4	9/22/2008	September 2013
North Carolina	4	12/17/2007	December 2012
South Carolina	4	12/17/2007	December 2012
Tennessee	4	4/4/2008	April 2013
Illinois	5	6/24/2011	June 2016
Indiana	5	3/10/2011	March 2016
Michigan	5	11/5/2010	November 2015
Minnesota	5	12/30/2009	December 2014

State/Local Jurisdiction	EPA Region	Initial RH SIP Submittal Date	First RH 5-year Progress Report Due No Later Than
Ohio	5	3/11/2011	March 2016
Wisconsin	5	7/1/2011	July 2016
Albuquerque/Bernalillo County (Section 309)	6	6/8/2011	December 2013
Arkansas	6	9/24/2008	September 2013
Louisiana	6	6/13/2008	June 2013
New Mexico (Section 309)	6	6/2/2011	December 2013
Oklahoma	6	2/19/2010	February 2015
Texas	6	3/31/2009	March 2014
Iowa	7	3/25/2008	March 2013
Kansas	7	11/4/2009	November 2014
Missouri	7	8/5/2009	August 2014
Nebraska	7	6/30/2011	June 2016
Colorado	8	6/11/2011	June 2016
Montana *	8	9/18/ 2012	September 2017
North Dakota	8	3/17/2010	March 2015
South Dakota	8	2/2/2011	February 2016
Utah (Section 309)	8	9/16/2008	December 2013
Wyoming (Section 309)	8	1/12/2011	December 2013
Arizona	9	2/28/2011	February 2016
California	9	3/17/2009	March 2014
Hawaii *	9	10/9/2012	October 2017
Nevada	9	11/18/2009	November 2014
Alaska	10	4/4/2011	April 2016
Idaho	10	10/25/2010	October 2015
Oregon	10	12/20/2010	December 2015
Washington	10	1/6/2011	January 2016

*Two states, Virgin Islands and Hawaii, did not submit regional haze SIPs and a third state, Montana, did not submit an overall regional haze SIP but addressed a relatively small part of the regional haze requirements in a SIP submittal. For these three states, the due dates are calculated to be 5 years from the date of the final FIPs.

D. Checklist

Y/ N	5-yr Progress Report Submittal Checklist Submitted under 40 CFR 51.308 (g)-(h) and 40 CFR 51.309(d)(10)			
	Regulation Citation	Regulation Summary (<i>not verbatim</i>)	Location in 5-year progress report	Comments
	Report Requirements			
	51.308(g)(1) 51.309(d)(10)(i)(A)	Status of Control Strategies in the Regional Haze SIP: Does the report include a list of measures the state relied upon? (<i>all states</i>)		
	51.308(g)(2) 51.309(d)(10)(i)(B)	Emissions Reductions from Regional Haze SIP Strategies: Does the report include estimated reduction estimates for these measures? (<i>all states</i>)		
	51.308(g)(3) 51.309(d)(10)(i)(C)	Visibility Progress: Does the report include the summaries of monitored visibility data as required by the Regional Haze Rule? (<i>states with Class I areas only</i>)		
	51.308(g)(4) 51.309(d)(10)(i)(D)	Emissions Progress: Does the report provide emissions trends across the entire inventory for a 5-year period as required by the Regional Haze Rule? (<i>all states</i>)		
	51.308(g)(5) 51.309(d)(10)(i)(E)	Assessment of Changes Impeding Progress: Does the report include an explicit statement of whether there are anthropogenic emissions changes impeding progress? (<i>all states</i>)		
	51.308(g)(6) 51.309(d)(10)(i)(F)	Assessment of Current Strategy: Does the report include an assessment of whether the state's haze plan is on track to meet reasonable progress goals? (<i>all states</i>)		

Y/ N	5-yr Progress Report Submittal Checklist Submitted under 40 CFR 51.308 (g)-(h) and 40 CFR 51.309(d)(10)			
	Regulation Citation	Regulation Summary (<i>not verbatim</i>)	Location in 5-year progress report	Comments
	51.308(g)(7) 51.309(d)(10)(i)(G)	Review of Monitoring Strategy: Does the report review the monitoring plan including any non-IMPROVE monitors the state is using? (<i>states with Class I areas only</i>)		
	51.308(h) 51.309(d)(10)(ii)	Determination of Adequacy: Does the report (or the transmittal materials) provide the explicit determination required by the Regional Haze Rule? (<i>all states</i>)		