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# Regional Haze/Advance Notice of Proposed Rulemaking: U.S. Environmental Protection Agency Solicits Comments for Development of Regulatory Changes to Implementation/Structure

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The United States Environmental Protection Agency ("EPA") announced on September 19th an Advanced Notice of Proposed Rulemaking ("ANPR") to solicit information and request comment to assist the agency in development of regulatory changes pertaining to the implementation and structure of the Regional Haze Rule ("RHR").

EPA states that the ANPR reflects its:

...renewed commitment to cooperative federalism and recognizes the important responsibility EPA shares with our air agency partners to ensure clean air for every American.

The federal Regional Haze program is driven by 169A of the Clean Air Act.

Congress sought to address visibility of mandatory Class I Federal areas in which an impairment results from manmade air pollution.

Section 169A requires that certain sources contributing to visibility impairment install BART. The states are responsible for determining the appropriate BART controls for certain stationary sources. EPA reviews the State's Implementation Plan ("SIP") submissions for consistency with the relevant regulation.

The RHR requires that states submit SIPs to manage visibility impairing air pollutants affecting mandatory Class I Federal areas to demonstrate progress toward the national visibility goal under the Clean Air Act.

EPA states that it is seeking input regarding how it can "meaningfully revise the RHR to streamline regulatory requirements impacting states' visibility improvement obligations under the CAA." Specifically, EPA solicits comment and information on the following topics:

- Topic 1: Development and implementation of a reasonable progress metric and consideration of the four statutory factors.
- Topic 2: Development of criteria used to determine when a SIP revision is necessary.
- Topic 3: Determining SIP content requirements.

Nevertheless, EPA states that the ANPR will not impose any new requirements.

A copy of the RHR ANPR can be downloaded [here](#).