

# REGIONAL HAZE RULE UPDATE

Presented by Dario Rocha,  
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at the June 9, 2021 AQCB Meeting



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# Regional Haze Background

## BACKGROUND

- The Regional Haze rule protects visibility at 156 national parks and wildernesses (Class I Areas), with the goal of returning these areas to natural visibility by 2064
  - New Mexico has nine Class I Areas
  - Closest one to Albuquerque – Bernalillo County is the Bandelier Wilderness
- This implementation period runs from 2019 to 2028
  - EHD's planning for this implementation period started Q4 2016
- Environmental Protection Agency (EPA) published updated final regional haze rule on 1/10/2017
  - Included a one-time adjustment to the due dates for State Implementation Plans (SIPs) from 7/31/2018 to 7/31/2021
  - Guidance on the final rule issued 8/20/2019
- EHD formed deep partnerships with both the New Mexico Environment Department (NMED) and the Western Regional Air Partnership (WRAP) to collaborate on this *regional-scale* rule

## Current timeline will miss the July 31, 2021 regulatory deadline

- Analysis-sharing phase: December 2019 – April 2021
  - Interagency consultations
  - Stakeholder outreach
  - Facility Four Factor Analyses
- Decision and SIP revision phase: May 2021 – October 2021
  - Complete weight of evidence analysis for controls selection
  - Finish state-to-state consultations
  - Federal Land Manager (FLM) review of draft SIP document
  - Informal public review and comment period
- Hearing phase: November 2021 – March 2022
  - Request a hearing before Air Quality Control Board (November 2021)
  - Hearing (February or March 2022)
  - Submit proposed SIP to EPA Region 6 (March 2022)

## Explanations for missing July 31, 2021 regulatory deadline

- EPA's guidance on rule was published 2.5 years after the rule
  - States rely heavily on EPA guidance for these types of rulemakings
- COVID-19 pandemic caused numerous delays
- Critical WRAP modeling products delayed by almost a year (some products are still not complete).

## Implications of missing July 31, 2021 regulatory deadline

- EHD has communicated with EPA Region 6 that it expects to miss the regulatory deadline and has also provided an estimate for completion.
- EPA has six months to make a finding of failure to submit
  - Could be made as early as August 1, 2021
  - Has to be made by January 31, 2022
- EPA's finding of failure to submit will start a two year clock, which is the deadline for EPA to issue a Federal Implementation Plan (FIP) addressing our Regional Haze obligations.
  - EPA could also impose sanctions on local transportation and air quality grant funding, but is not required to do so
- EHD plans to submit its Regional Haze SIP well before a FIP or sanctions would be contemplated.

# QUESTIONS?



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