

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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