In order to aid the reader, the following is the proposed 40 CFR 51.300-307 visibility regulation, in its entirety, as revised to address both "reasonably attributable" impairment and regional haze. Proposed new or changed wording in the document is marked with underlining.

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PART 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Subpart P - Protection of Visibility

Authority: Secs. 110, 114, 121, 160-169, 169A, 169B, 301, and 302 of the Clean Air Act, (42 U.S.C. 7410, 7414, 7421, 7470-7479, 7491, 7492, 7601, and 7602).

Source: 45 FR 80089, Dec 2, 1980, unless otherwise noted.

§ 51.300 Purpose and applicability.

(a) *Purpose*. The primary purposes of this subpart are (1) to require States to develop programs to assure reasonable progress toward meeting the national goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from man-made pollution, and (2) to establish necessary additional procedures for new source permit applicants, States, and Federal Land Managers to use in conducting the visibility impact analysis required for new sources under §51.166. This subpart sets forth requirements addressing visibility impairment in its two principal forms: "reasonably attributable" impairment (i.e.,

impairment attributable to a single source/small group of sources) and regional haze (i.e., widespread haze from a multitude of sources which impairs visibility in every direction over a large area).

(b) *Applicability*. (1) *General Applicability*. The provisions of this subpart pertaining to implementation plan requirements for assuring reasonable progress in preventing any future and remedying any existing visibility impairment are applicable to:

(i) Each State which has a mandatory Class I Federal area identified in Part 81, subpart D, of this title and (ii) each State the emissions from which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area.

(2) The provisions of this subpart pertaining to implementation plans to address reasonably attributable visibility impairment are applicable to the following States:

(i) Alabama
(ii) Alaska
(iii) Arizona
(iv) Arkansas
(v) California
(vi) Colorado
(vii) Florida
(viii) Georgia
(ix) Hawaii
(x) Idaho
(xi) Kentucky
(xii) Louisiana
(xiii) Maine
(xiv) Michigan
(xv) Minnesota
(xvi) Missouri

(xvii) Montana
(xviii) Nevada
(xix) New Hampshire
(xx) New Jersey
(xxi) New Mexico
(xxii) North Carolina
(xxiii) North Dakota
(xxiv) Oklahoma
(xxv) Oregon
(xxvi) South Carolina
(xxvii) South Dakota
(xxviii) Tennessee
(xxix) Texas
(xxx) Utah
(xxxi) Vermont
(xxxii) Virginia
(xxxiii) Virgin Islands
(xxxiv) Washington
(xxxv) West Virginia
(xxxvi) Wyoming

(3) The provisions of this subpart pertaining to implementation plans to address regional haze visibility impairment are applicable to all States as defined in section 302(d) of the Clean Air Act except Guam, Puerto Rico, American Samoa, and the Northern Mariana Islands.

3. Section 51.301 is revised as follows:

§51.301 Definitions.

For the purposes of this subpart:

(a) *Adverse impact on visibility* means, for the purposes of section 307, visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor’s visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and time of visibility impairments, and how these factors correlate

with (1) times of visitor use of the Federal Class I areas, and (2) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(b) *Agency* means the U.S. Environmental Protection Agency.

(c) *Best Available Retrofit Technology* (BART) means an emissions limitation based on the degree of reduction achievable through application of the best system of continuous emission reduction of each pollutant which is emitted by an existing stationary facility. The emissions limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(d) *Building, structure, or facility* means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities must be considered as part of the same industrial grouping if they belong to the same *Major Group* (i.e., which have the same two-digit code) as described in the *Standard Industrial*

Classification Manual, 1972 as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0 respectively).

(e) *Existing stationary facility* means any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit 250 tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted.

(1) Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,

(2) Coal cleaning plants (thermal dryers),

(3) Kraft pulp mills,

(4) Portland cement plants,

(5) Primary zinc smelters,

(6) Iron and Steel mill plants,

(7) Primary aluminum ore reduction plants,

(8) Primary copper smelters,

(9) Municipal incinerators capable of charging more than 250 tons of refuse per day,

(10) Hydrofluoric, sulfuric, and nitric acid plants,

(11) Petroleum refineries,

(12) Lime plants,

(13) Phosphate rock processing plants,

(14) Coke oven batteries,

(15) Sulfur recovery plants,

(16) Carbon black plants (furnace process),

(17) Primary lead smelters,

(18) Fuel conversion plants,

(19) Sintering plants,

(20) Secondary metal production facilities,

(21) Chemical process plants,

(22) Fossil-fuel boiler of more than 250 million British thermal units per hour heat input,

(23) Petroleum Storage and transfer facilities with a capacity exceeding 300,000 barrels,

(24) Taconite ore processing facilities,

(25) Glass fiber processing plants, and

(26) Charcoal production facilities.

(f) *Federal Class I area* means any Federal land that is classified or reclassified *Class I*.

(g) *Federal Land Manager* means the Secretary of the department with authority over the Federal Class I area (or the Secretary's designee), or, with respect to Roosevelt-Campobello International Park, the Chairman of the Roosevelt-Campobello International Park Commission.

(h) *Federally enforceable* means all limitations and conditions which are enforceable by the Administrator under the Clean Air Act including those requirements developed pursuant to

parts 60 and 61 of this title, requirements within any applicable State implementation plan, and any permit requirements established pursuant to §52.21 of this chapter or under regulations approved pursuant to part 51, 52, and 60 of this title.

(I) *Fixed capital cost* means the capital needed to provide all of the depreciable components.

(j) *Fugitive Emissions* means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

(k) *In existence* means that the owner or operator has obtained all necessary preconstruction approvals or permits required by Federal, State, or local air pollution emissions and air quality laws or regulations and either has (1) begun, or caused to begin, a continuous program of physical on-site construction of the facility or (2) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the facility to be completed in a reasonable time.

(l) *Installation* means an identifiable piece of process equipment.

(m) *In operation* means engaged in activity related to the primary design function of the source.

(n) *Integral vista* means a view perceived from within the

mandatory Class I Federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal area.

(o) *Mandatory Class I Federal Area* means any area identified in part 81, subpart D of this title.

(p) *Major Stationary Source* and *major modification* mean *major stationary source* and *major modification*, respectively as defined in §51.166.

(q) *Natural conditions* includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

(r) *Potential to emit* means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored , or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(s) *Reasonably attributable* means attributable by visual observation or any other technique the State deems appropriate

(t) *Reconstruction* will be presumed to have taken place where the fixed capital cost of the new components exceeds 50

percent of the fixed capital costs of a comparable entirely new source. Any final decision as to whether reconstruction has occurred must be made in accordance with the provisions of §60.15 (f)(1) through (3) of this title.

(u) *Secondary emissions* means emissions which occur as a result of the construction or operation of an existing stationary facility but do not come from the existing stationary facility. Secondary emissions may include, but are not limited to, emissions from ships or trains coming to or from the existing stationary facility.

(v) *Significant impairment* means, for the purposes of section 303, visibility impairment which, in the judgment of the Administrator, interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the mandatory Class I Federal area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency and the time of the visibility impairment, and how these factors correlate with (1) times of visitor use of the mandatory Class I Federal area, and (2) the frequency and timing of natural conditions that reduce visibility.

(w) *Stationary Source* means any building, structure, facility, or installation which emits or may emit any air pollutant.

(x) *Visibility impairment* means any humanly perceptible

change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions.

(y) *Visibility in any mandatory Class I Federal area* includes any integral vista associated with that area.

(z) *Reasonable progress target* means for the purposes of addressing regional haze visibility impairment: an improvement in the average of the twenty percent most impaired days each year, equivalent to an improvement (decrease) of [Option A: 1.0 deciview per 10 years; Option B: 1.0 deciview in 15 years], and no degradation (less than 0.1 deciview increase) in the average of the twenty percent least impaired days each year.

(aa) *Regional haze visibility impairment* means any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions that is caused predominantly by a combination of many sources, over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, area sources, fugitive emissions, and forestry and agricultural practices.

(bb) *deciview* (*dv*) means the metric, based on light extinction, used for an atmospheric haze index, such that uniform changes in haziness correspond to the same metric increment across the entire range from pristine to highly impaired haze conditions. Deciview values are calculated by multiplying by 10

the natural logarithm of 1/10th of the atmospheric light extinction coefficient expressed in units of inverse megameters.

(cc) *State* means "State" as defined in section 302(d) of the Clean Air Act.

§51.302 Implementation control strategies.

(a) *Plan revision Procedures.* (1) (i) Each State identified in section 300(b)(2) must have submitted, not later than September 2, 1981, an implementation plan revision meeting the requirements of this subpart pertaining to reasonably attributable visibility impairment.

(ii) Each State identified in section 300(b)(3) must submit, by [insert date one year from promulgation of revisions to this subpart], an implementation plan revision meeting the requirements set forth in this subpart addressing regional haze visibility impairment, including provisions for submittal of future implementation plan revisions in accordance with section 306(c), with the exception of requirements related to reasonably attributable visibility impairment in paragraphs (c)(2)(iii) and (c)(4) of this section, section 304 and section 305(a).

(2) (i) The State, prior to adoption of any implementation plan revision required by this subpart, must conduct one or more public hearings on such plan revisions in accordance with §51.102.

(ii) In addition to the requirements in §51.102, the State must provide written notification of such hearings to each

affected Federal Land Manager, and other affected States, and must state where the public can inspect a summary prepared by the Federal Land Managers of their conclusion and recommendations, if any, on the proposed plan revision.

(3) Submission of plans and plan revisions as required by this subpart must be conducted in accordance with the procedures in §51.103.

(b) *State and Federal Land Manager Coordination*. (1) The State must identify to the Federal Land Managers, in writing and by [insert date 30 days from the date of Federal Register publication of final rules], the title of the official to which the Federal Land Manager of any mandatory Class I Federal area can submit a recommendation on the implementation of this subpart including but not limited to:

(i) Identification of reasonably attributable and regional haze visibility impairment in any mandatory Class I Federal area(s),

(ii) Identification of elements for inclusion in the visibility monitoring strategy required by section 305, and

(iii) Identification of elements for inclusion in the long-term strategy and its periodic revisions required by section 306.

(2) The State must provide opportunity for consultation, in person and at least 60 days prior to holding any public comment on proposed implementation plan revisions, with the Federal Land Manager on the proposed SIP revisions required by this subpart.

This consultation must include the opportunity for the affected Federal Land Managers to discuss their:

(i) Recommendations on the methods for estimating natural conditions and levels of impairment of visibility in any mandatory Class I Federal area, and

(ii) Recommendations on the development and implementation of the long-term strategy.

(3) The plan or plan revisions must provide procedures for continuing consultation between the State and the Federal Land Manager on the implementation of the visibility protection program required by this subpart.

(c) *General Plan Requirements*. (1) The affected Federal Land Manager may certify to the State, at any time, that there exists reasonably attributable impairment of visibility in any mandatory Class I Federal area.

(2) The implementation plan must contain the following to address reasonably attributable and regional haze visibility impairment:

(i) A long-term (10-15 years) strategy, as specified in section 306, including such emission limitations, schedules of compliance, and such other measures, including a schedule for implementation of elements of the long-term strategy, as may be necessary to make reasonable progress toward the national goal specified in section 300(a).

(ii) An assessment of visibility impairment and a

discussion of how each element of the plan relates to the prevention of future or remedying of existing impairment of visibility in any mandatory Class I Federal area within the State.

(iii) Emission limitations representing BART and schedules for compliance with BART for each existing stationary facility identified according to paragraph (c)(4) of this section.

(iv) A monitoring strategy as required in section 305.

(v) A requirement for revision of the plan, including revisions to the monitoring strategy required in section 305 and the long-term strategy required in section 306, no later than four years from the date of the plan revision required in paragraph (a)(1)(ii) of this section, and no later than every 3 years thereafter.

(3) The plan must require each source to maintain control equipment required by this subpart and establish procedures to ensure such control equipment is properly operated and maintained.

(4) For any existing reasonably attributable visibility impairment the Federal Land Manager certifies to the State under paragraph (c)(1) of this section at least 6 months prior to plan submission or long-term strategy revision,

(i) The State must identify and analyze for BART each existing stationary facility which may reasonably be anticipated to cause or contribute to impairment of visibility in any

mandatory Class I Federal area where the impairment in the mandatory Class I Federal area is reasonably attributable to that existing stationary facility. The State need not consider any integral vista the Federal Land Manager did not identify pursuant to section 304(b).

(ii) If the State determines that technological or economic limitations on the applicability of measurement methodology to a particular existing stationary facility would make the imposition of an emission standard infeasible it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emissions reduction to be achieved by implementation of such design, equipment, work practice or operation, and must provide for compliance by means which achieve equivalent results.

(iii) BART must be determined for fossil-fuel fired generating plants having a total generating capacity in excess of 750 megawatts pursuant to "Guidelines for Determining Best Available Retrofit Technology for Coal-fired Power Plants and other Existing Stationary Facilities" (1980), which is incorporated by reference, exclusive of appendix E, which was published in the Federal Register on February 6, 1980 (45 FR 8210). It is EPA publication No. 450/3-80-009b and is for sale from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia

22161. It is also available for inspection at the Office of Federal Register Information Center, 800 North Capitol NW., suite 700, Washington, D.C.

(iv) The plan must require that each existing stationary facility required to install and operate BART do so as expeditiously as practicable but in no case later than five years after plan approval <u>or revision</u>.

(v) The plan must provide for a BART analysis of any existing stationary facility that might cause or contribute to impairment of visibility in any mandatory Class I Federal area identified under this paragraph (c)(4) at such time, as determined by the Administrator, as new technology for control of the pollutant becomes reasonably available if:

(A) The pollutant is emitted by that existing stationary facility,

(B) Controls representing BART for the pollutant have not previously been required under this subpart, and

(C) The impairment of visibility in any mandatory Class I Federal area is reasonably attributable to the emissions of that pollutant.

<u>(5) *Plan revisions for regional haze visibility impairment.* The implementation plan due pursuant to paragraph (a)(1)(ii) of this section by [insert date one year from the date of the FEDERAL REGISTER publication] must contain:</u>

<u>(i) A list of existing stationary facilities in the State,</u>

and a plan and schedule for evaluating, by [insert date 3 years from the date of FEDERAL REGISTER publication or the final rule], the best available retrofit technology and corresponding potential emission reductions for those existing stationary facilities the State determines may reasonably be anticipated to contribute to regional haze visibility impairment in any mandatory Class I Federal area located within or outside the State.

(ii) Revisions as necessary for the State to meet the requirements of section 110(a)(2) of the Clean Air Act as they pertain to implementation of measures to address regional haze visibility impairment.

§51.303 Exemptions from control

(a)(1) Any existing stationary facility subject to the requirement under section 302(c)(4) to install, operate, and maintain BART for reasonably attributable impairment or subject to provisions for BART in section 306(d)(3) may apply to the Administrator for an exemption for that requirement.

(2) An application under this section must include all available documentation relevant to the impact of the source's emissions on visibility in any mandatory Class I Federal area and a demonstration by the existing stationary facility that is does not or will not, by itself or in combination with other sources, emit any air pollutant which may be reasonably anticipated to cause or contribute to a significant impairment of visibility in

any mandatory Class I Federal area.

(b) Any fossil-fuel fired plant with a total generating capacity of 750 megawatts or more may receive an exemption from BART only if the owner or operator of such power plant demonstrates to the satisfaction of the Administrator that such power plant is located a such a distance from all mandatory Class I Federal areas that such power plant does not or will not, by itself or in combination with other sources, emit any air pollutant which may reasonably be anticipated to cause or contribute to significant impairment of visibility in any such mandatory Class I Federal area.

(c) Application under this section 303 must be accompanied by a written concurrence from the State with regulatory authority over the source.

(d) The existing stationary facility must give prior written notice to all affected Federal Land Managers of any application for exemption under this section 303.

(e) The Federal Land Manager may provide an initial recommendation of comment on the disposition of such application. Such recommendation, where provided, must be part of the exemption application. This recommendation is not to be construed as the concurrence required under paragraph (h) of this section.

(f) The Administrator, within 90 days of receipt of an application for exemption from control, will provide notice of

receipt of an exemption application and notice of opportunity for public hearing on the application.

(g) After notice and opportunity for public hearing, the Administrator may grant or deny the exemption. For purposes of judicial review, final EPA action on the application under this section 303 will not occur until EPA approves or disapproves the State Implementation Plan revision.

(h) An exemption granted by the Administrator under this section 303 will be effective only upon concurrence by all affected Federal Land Managers with the Administrator's determination.

§51.304 Identification of integral vistas

<u>(a) On or before December 31, 1985 the Federal Land Manager may identify any integral vista.</u> The integral vista must be identified according to criteria the Federal Land Manager develops. These criteria must include, but are not limited to, whether the integral vista is important to the visitor's visual experience of the mandatory Class I Federal area. Adoption of criteria must be precede by reasonable notice and opportunity for public comment on the proposed criteria.

(b) The Federal Land Manager must notify the State of any integral vistas identified under paragraph (a) of this section, and the reasons therefore.

(c) The State must list in its implementation plan any integral vista the Federal Land Manager identifies at least six

months prior to plan submission, and must list in its implementation plan at its earliest opportunity, and in no case later than at the time of the periodic review of the SIP required by section 306(c), any integral vista the Federal Land Manager identifies after that time.

(d) The State need not in its implementation plan list any integral vista the identification of which was not made in accordance with the criteria in paragraph (a) of this section. In making this finding, the State must carefully consider the expertise of the Federal Land Manager in making the judgment called for by the criteria for identification. Where the State and the Federal Land Manager disagree on the identification of any integral vista, the State must give the Federal Land Manager an opportunity to consult with the Governor of the State.

7. Section 51.305 is revised as follows:

§51.305 Monitoring.

(a) For the purposes of addressing reasonably attributable visibility impairment, each State containing a mandatory Class I Federal area where visibility has been identified as an important value (i.e., each State identified in section 300(b)(2)) must include in the plan a_strategy for evaluating visibility in any mandatory Class I Federal area by visual observation or other appropriate monitoring techniques. Such strategy must take into account current and anticipated visibility monitoring research, the availability of appropriate monitoring techniques, and such

guidance as is provided by the Agency.

(b) For the purposes of addressing regional haze visibility impairment, the State must include in the plan required under section 302(a)(1)(ii) a monitoring strategy for characterizing regional haze visibility impairment that is representative of all mandatory Class I Federal areas within the State. The strategy must be revised no later than four years from the date of the plan revision required in section 302(a)(1)(ii), and no later than every three years thereafter. The strategy must be coordinated as appropriate with Federal Land Managers, other States, and EPA, and must take into account such guidance as is provided by the Agency.

(1) The plan must provide for establishment, within 12 months, of any additional monitoring sites needed to assess whether reasonable progress targets are being achieved for all mandatory Class I Federal areas within the State.

(2) The plan must include a requirement to assess the relative contribution to regional haze visibility impairment at each mandatory Class I Federal area in the State by emissions from within and outside the State.

(3) A State required to submit a plan under section 302(a)(1)(ii) and having no mandatory Class I Federal areas must include in its plan procedures by which monitoring data will be used to determine the contribution of emissions from within the State to regional haze visibility impairment in any mandatory

Class I Federal area.

(4) The plan must provide for the reporting of all visibility monitoring data to EPA at least annually for each mandatory Class I Federal area in the State having such monitoring. The State should follow reporting procedures found in applicable EPA guidance. To the extent possible, reporting of visibility monitoring data shall be accomplished through electronic data transfer techniques.

(c) The plan must provide for the consideration of available visibility data and must provide a mechanism for its use in decisions required by this subpart.

§51.306 Long-term strategy.

(a) For the purposes of addressing reasonably attributable visibility impairment and regional haze visibility impairment:

(1) Each plan required under section 302(a)(1)(i) and (ii) must include a long-term (10-15 years) strategy for making reasonable progress toward the national goal specified in section 300(a). This strategy must cover any existing reasonably attributable visibility impairment the Federal Land Manager certifies to the State at least 6 months prior to plan submission, or 6 months prior to the due date for subsequent long-term strategy revisions as required by this section, unless the State determines that this impairment is not reasonably attributable to a single source or small group of sources. Any impairment determined by the State not to be reasonably

attributable impairment must be addressed as regional haze impairment according to the provisions in this section. The long-term strategy must address any integral vista which the Federal Land Manager has adopted in accordance with section 304.

(2) A long-term strategy must be developed for each mandatory Class I Federal area located within the State and each mandatory Class I Federal area located outside the State which may be affected by emissions from within the State. This does not preclude the development of a single comprehensive plan for all such areas.

(3) The plan must set forth with reasonable specificity why the long-term strategy is adequate for achieving reasonable progress toward the national visibility goal, including remedying existing impairment and preventing future impairment.

(b) The State must coordinate its long-term strategy for an area with existing plans and goals, including those provided by the affected Federal Land Managers, that may affect impairment of visibility in any mandatory Class I Federal area.

(c) The plan must provide for periodic revision of the long-term strategy no later than four years from the date of the plan revision required in 302(a)(1)(ii), and no later than every three years thereafter. This process for developing the periodic plan revision must include consultation with the appropriate Federal Land Managers, and a State report to the public and the Administrator on progress toward the national goal, including:

(1) The progress achieved in remedying existing impairment of visibility in any mandatory Class I Federal area, including an evaluation of whether the reasonable progress target was achieved for each mandatory Class I Federal area in the State since the last plan revision;

(2) The ability of the long-term strategy to prevent future impairment of visibility in any mandatory Class I Federal area, including an evaluation of whether the reasonable progress target will be achieved for each mandatory Class I Federal area in the State until the next plan revision;

(3) Any change in visibility since the last plan revision, or in the case of the first plan revision, since plan approval;

(4) Additional measures, including the need for SIP revisions, that may be necessary to assure reasonable progress toward the national goal and achievement of the reasonable progress target for any mandatory Class I Federal area;

(5) The progress achieved in implementing BART and meeting other schedules set forth in the long-term strategy;

(6) The impact of any exemption granted under section 303;

(7) The need for BART to remedy existing visibility impairment in any integral vista listed in the plan since the last plan revision, or in the case of the first revision, since plan approval.

(d) *Regional haze long-term strategy.* The plan required under section 302(a)(1)(ii) must include a long-term strategy

that addresses regional haze visibility impairment for each mandatory Class I Federal area within the State and for each mandatory Class I Federal area located outside the State which may be affected by emissions within the State, including provisions requiring the following:

(1) Not later than [insert date 12 months from the date of Federal Register publication of final rules] the State, in consultation with the appropriate Federal Land Managers, must define the procedure to be used for estimating the visibility under natural conditions expressed in deciviews, in each mandatory Class I Federal area, for the average of the twenty percent most impaired days and for the average of the twenty percent least impaired days for a representative year. In the long-term strategy revision due after determination of the procedure, the State must complete the procedure and establish the natural conditions estimate. For each long-term strategy revision due after establishment of the natural conditions estimate, the State shall consider, in consultation with the Federal Land Manager, any new data since the last long-term strategy revision that would alter the established estimate of natural conditions and propose appropriate changes as part of the plan revision.

(2) Not later than [insert date 12 months from the date of Federal Register publication of final rules], the State, in consultation with the appropriate Federal Land Managers, must

determine for each mandatory Class I Federal area a procedure for establishing current visibility conditions expressed in deciviews, for the average of twenty percent most impaired days each year, and for the average of the twenty percent least impaired days each year using the existing visibility monitoring network taking into account the monitoring techniques described in EPA guidance. For mandatory Class I Federal areas without representative data, the plan shall identify procedures to be followed to establish current visibility conditions not later than [insert date 5 years from Federal Register publication of final rules].

(3) No later than [insert date 5 years from the date of Federal Register publication of final rules] and as part of each long-term strategy revision due thereafter, the State must:

(i) identify visibility under representative natural conditions for the average of the twenty percent most and least impaired days for each mandatory Class I Federal area;

(ii) for any mandatory Class I Federal area where current conditions for the average of 20 percent most impaired or 20 percent least impaired days exceed natural background by one deciview or more, include, in the plan, emission management strategies to meet the reasonable progress target for the period covered by the long-term (10-15 years) strategy. At a minimum, these emission management strategies must include:

(A) Provisions to address the BART requirement for those

existing stationary facilities determined to be causing or contributing to regional haze visibility impairment, in accordance with section 302(c)(4)(ii)-(v).

(B) Other measures necessary to obtain the portion of emission reductions from sources located within the State, developed based upon all available information, to achieve the reasonable progress target for each mandatory Class I Federal area in the State or affected by emissions from the State. These measures should be consistent with strategies developed in conjunction with other States through regional planning processes to address related air quality issues and clearly identify the emissions changes expected to occur that will produce the expected improvement in visibility. The portion of emissions contribution being addressed by a State's plan revision and the technical basis for the apportionment should be clearly specified.

(4) States not achieving the presumptive reasonable progress target for any mandatory Class I Federal area over the three year time period since establishment of the strategy or the prior plan revision (i.e., State more than 10 percent deficient in meeting the reasonable progress target for either the most or least impaired days) must provide in the plan revision a review of emissions reduction estimates relied on in the development of the prior long-term strategy revision. If expected emissions reductions occurred, then the State must at a minimum provide an

assessment of meteorological conditions, completeness of emissions sources subject to strategies, and other factors that likely influenced the relationship between emissions and visibility conditions. If expected emissions reductions were not achieved, the State shall revise emissions management strategies as appropriate to achieve the presumptive reasonable progress target.

(5) For establishment of an alternate reasonable progress target for a mandatory Class I Federal area, the State must provide a justification for the alternate target demonstrated to the satisfaction of EPA. Any justification for an alternate reasonable progress target must address the following factors: the availability of source control technology, the costs of compliance with the reasonable progress target, the energy and non-air quality environmental impacts of compliance, the existing pollution control measures in use at sources, the remaining useful life of sources, the degree of improvement of visibility which may reasonably be anticipated to result from application of control technologies or other measures. In no event shall an alternate progress target allow visibility to degrade over the planning period covered. The State shall consult with the Federal Land Managers and all other States the emissions from which may reasonably be anticipated to cause or contribute to visibility impairment in the affected mandatory Class I Federal area in considering development of an alternate target.

(6) State preparing nonattainment plans for fine particulate matter ($PM_{2.5}$) may submit the plan requirements under paragraph (d)(3) by but not later than the required date for submittal of the State's $PM_{2.5}$ attainment control strategy plan.

(e) The long-term strategy must provide for review of the impacts on reasonably attributable impairment and regional haze impairment from any new major stationary facility or major modifications on visibility in any mandatory Class I Federal area. This review of major stationary sources or major modifications must be in accordance with section 307, §51.166, §51.165 and any other binding guidance provided by the Agency insofar as these provisions pertain to protection of visibility in any mandatory Class I Federal areas.

(f) The State must consider, at a minimum, the following factors during development of its long-term strategy:

(1) Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment;

(2) Additional emissions limitations and schedules for compliance;

(3) Measures to mitigate the impacts of construction activities;

(4) Source retirement and replacement schedules;

(5) Smoke management techniques for agricultural and forestry management purposes including such plans as currently

exist within the State for these purposes;

(6) Enforceability of emissions limitations and control measures; and

(7) The anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the next 10-15 years.

(g) The plan must explain why the factors in paragraph (f)above and other reasonable measures were or were not evaluated as part of the long-term strategy.

(h) The State, in developing the long-term strategy, must take into account the effect of new sources, the costs of compliance, the time necessary for compliance, and the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any affected existing source and equipment therein.

9. Section 51.307 is revised as follows:

§51.307 New source review.

(a) For the purpose of new source review of any new major stationary source or major modification that would be constructed in an area that is designated attainment or unclassifiable under section 107 of the Clean Air Act, the State plan must, in any review under §51.166 with respect to visibility protection and analysis, provide for:

(1) Written notification of all affected Federal Land managers of any proposed new major stationary source or major

modification that may affect visibility in any Federal Class I area. Such notification must be made in writing and include a copy of all information relevant to the permit application within 30 days of receipt of and at least 60 days prior to public hearing by the State on the application for permit to construct. Such notification must include an analysis of the anticipated impacts on visibility in any Federal Class I area;

(2) Where the State requires or receives advance notification (e.g., early consultation with the source prior to submission of the application or notification of intent to monitor under §51.166) of a permit application of a source that may affect visibility the State must notify all affected Federal Land Managers within 30 days of such advance notification; and

(3) Consideration of any analysis performed by the Federal Land Manager, provided within 30 days of the notification and analysis required by paragraph (a)(1) of this section, that such proposed new major stationary source or major modification may have an adverse impact on visibility in any Federal Class I area. Where the State finds that such an analysis does not demonstrate to the satisfaction of the State that an adverse impact will result in the Federal Class I area, the State must, in the notice of public hearing, either explain its decision or give notice as to where the explanation can be obtained.

(b) The plan shall also provide for the review of any new major stationary source or major modification:

(1) That may have an impact on any integral vista of a mandatory Class I Federal area, if it is identified in accordance with section 304 by the Federal Land Manager at least 12 months before submission of a complete permit application, except where the Federal Land Manager has provided notice and opportunity for public comment on the integral vista in which case the review must include any integral vista identified at least 6 months prior to submission of a complete permit application, unless the State determines under section 304(d) that the identification was not in accordance with the identification criteria; or

(2) That proposes to locate in an area classified as nonattainment under section 107 of the Clean Air Act that may have an impact on visibility in any mandatory Class I Federal area.

(c) Review of any major stationary source or major modification under paragraph (b) of this section, shall be conducted in accordance with paragraph (a) of this section and §51.166(o), (p) (1) through (2), and (q). In conducting such review the State must ensure that the source's emissions will be consistent with making reasonable progress toward the national visibility goal referred to in section 300(a). The State may take into account the costs of compliance, the time necessary for compliance, the energy and non air quality impacts of compliance, and the useful life of the source.

(d) The State may require monitoring of visibility in any

Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the State deems necessary and appropriate.