# COMMENTS OF THE POWER GENERATORS AIR COALITION ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S ADVANCE NOTICE OF PROPOSED RULEMAKING ENTITLED "VISIBILITY PROTECTION: REGIONAL HAZE STATE PLAN REQUIREMENTS RULE REVISION"

**90 Fed. Reg. 47677 (Oct. 2, 2025)**

Docket ID No. EPA–HQ–OAR–2025–1477

## I. Introduction

The Power Generators Air Coalition ("PGen") respectfully submits these comments to the U.S. Environmental Protection Agency ("EPA" or "Agency") on its advance notice of proposed rulemaking titled "Visibility Protection: Regional Haze State Plan Requirements Rule Revision," which was published in the Federal Register on October 2, 2025 (hereinafter, "ANPRM"). 90 Fed. Reg. 47677 (Oct. 2, 2025). The ANPRM solicits information and requests comments on restructuring the Regional Haze Rule ("RHR")[1] with a non-exclusive focus on three topic areas: (1) developing reasonable progress metrics and consideration of the four statutory reasonable progress factors in section 169A(g)(1) of the Clean Air Act ("CAA" or "Act"); (2) developing criteria to determine when a state implementation plan ("SIP") revision is required; and (3) determining what a SIP revision must include. The goal is to "streamline regulatory requirements impacting states' visibility improvement obligations under the [CAA]."

PGen is an incorporated nonprofit 501(c)(6) organization whose members are diverse electric generating companies—public power, rural electric cooperatives, and investor-owned utilities—with a mix of solar, wind, hydroelectric, nuclear, and fossil generation. PGen's individual members are collectively responsible for approximately 275,000 megawatts of generation, and these individual members operate and serve over 55 million customers in 40 states. Given the diverse nature of PGen's members, these comments do not necessarily represent the viewpoint of every individual PGen member.

PGen is a collaborative effort of electric generators to share information and expertise in the interest of constructively evaluating and effectively managing air emissions to meet and exceed environmental laws and regulations and in the interest of informing sound regulation and public policy.[2] PGen as an organization does not participate in legislative lobbying or litigation. PGen and its members work to ensure that environmental regulations support a clean, safe, reliable, and affordable electric system for the nation.

PGen's members include companies whose facilities have been subject to the regional haze program during the first and second planning periods of the program's implementation. As EPA explains in the ANPRM, the planning requirements of the regional haze program have often been unclear for states and affected sources, and as a result, implementation of this program has

[1] The current version of the RHR was promulgated in 2017. 82 Fed. Reg. 3078 (Jan. 10, 2017).

[2] Additional information about PGen and its membership can be found at www.pgen.org.

at times been highly burdensome and resource-intensive. Accordingly, PGen supports EPA's efforts to revise the RHR to streamline and simplify the program and to align its requirements with the overarching purposes of Act's visibility protection provisions.

As EPA seeks to revise the RHR, PGen encourages the Agency to ensure that the revised rule reflects two core principles that Congress incorporated in the CAA's visibility program, namely that: (1) states need only achieve "reasonable progress" over time toward the national visibility goal; and (2) states be given wide latitude in the implementation of the program.

As to the first principle, EPA has consistently stated, and reiterates in the ANPRM, that the goal of the regional haze program is to achieve reasonable progress (not maximum or fastest possible progress) toward the national visibility goal. This is reflected in the statutory factors Congress tasked states with considering when setting their reasonable progress goals and long-term strategies. Consistent with that overall directive, EPA has consistently emphasized that states may leverage emissions reductions under other CAA programs to address regional haze requirements, acknowledging that controls installed pursuant to other CAA programs are likely to be more stringent than those that would be required to address regional haze.[3]

As to the second principle, the RHR should be revised in a manner that makes clear that states are the primary decision makers under the regional haze program. The U.S. Court of Appeals for the D.C. Circuit explained the role of states in *American Corn Growers Association v. EPA*: "The Haze Rule calls for states to play the lead role in designing and implementing regional haze programs to clear the air in national parks and wilderness areas." 291 F.3d 1, 2 (D.C. Cir. 2002) ("*Corn Growers*"). Applying that principle, the court struck down elements of EPA's 1999 regional haze rule relating to the Act's best available retrofit technology ("BART") requirement, holding that those provisions were "inconsistent with the Act's provisions giving the states broad authority over BART determinations." *Id.* at 8. The court relied in particular on Congress's purposeful rejection of broad EPA authority under the visibility program and determined that "Congress intended the states to decide which sources impair visibility and what BART controls should apply to those sources." *Id.* Accordingly, where EPA issues a rule that "attempts to deprive the states of some of th[eir] statutory authority" under the regional haze program, it does so "in contravention of the Act." *Id.* In updating the RHR for the third planning period and beyond, EPA should make clear that states wield primary decision-making authority under the program.

These comments provide an overview of the regional haze requirements of the CAA and EPA's current RHR in Section II, followed by PGen's responses to EPA's specific requests for input in Section III.

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[3] *See, e.g.*, Memorandum from Peter Tsirigotis to Regional Air Division Directors, Regions 1-10, "Guidance on Regional Haze State Implementation Plans for the Second Implementation Period" (Aug. 20, 2019) ("2019 Guidance"); 70 Fed. Reg. 39104 (July 6, 2005) (promulgating BART guidelines); *see also Utility Air Regulatory Group v. EPA*, 471 F.3d 1333 (D.C. Cir. 2006) ("*UARG I*") (recognizing that CAA's visibility requirements permit "piggy-backing" on requirements of other regulatory programs).

## II. Regional Haze Requirements Under the CAA and RHR

The CAA's visibility protection provisions establish "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." CAA § 169A(a)(1), 42 U.S.C. § 7491(a)(1). The Act directs EPA to issue regulations designed "to assure … reasonable progress toward meeting the national goal" and to require each state to submit a SIP containing "such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal." *Id*. § 169A(a)(4), (b)(2), 42 U.S.C. § 7491(a)(4), (b)(2). EPA has historically implemented the regional haze program in successive ten-year "planning periods," with the first planning period covering 2008 to 2018 and the second planning period running from 2018 to 2028.

Under the current rules, regional haze SIPs are typically composed of three main elements: (1) technical analyses to inform and support the SIP's control determinations or other measures, including calculation of visibility conditions, development of the Uniform Rate of Progress ("URP") for each of the state's Class I areas, and interstate and Federal Land Manager ("FLM") consultation demonstrations; (2) a long-term strategy ("LTS"), which includes enforceable measures necessary to make reasonable progress toward the national visibility goal; and (3) reasonable progress goals ("RPGs"), which are visibility goals for each mandatory Class I federal area located in the state reflecting the visibility conditions that are projected to be achieved based on implementation of the control measures included in the LTS. 40 C.F.R. § 51.308(f).

To determine what is included in the LTS, the Act and EPA's current RHR require states to evaluate and determine the emission reduction measures that are necessary to make reasonable progress based on four factors: "[1] the costs of compliance, [2] the time necessary for compliance, [3] the energy and nonair quality environmental impacts of compliance, and [4] the remaining useful life of any potentially affected sources." 42 U.S.C. § 7491(g)(1) (defining "reasonable progress"); *see also* 40 C.F.R. § 51.308(f)(2)(i). If a four-factor analysis supports the establishment of new control requirements for a source or group of sources, those requirements may be appropriate for inclusion in the state's LTS.

The RPGs established by evaluating anticipated emissions reductions during the course of the implementation period based on the LTS are then compared to each Class I area's URP, which reflects a linear rate of progress towards natural visibility conditions in 2064 beginning with the visibility conditions present in 2004. The URP may also be adjusted to account for the effects of international emissions and emissions from prescribed fires on wildlands. 40 C.F.R. § 51.308(f)(1)(vi)(B). These URPs are aspirational endpoints and are used as a means of assessing the state's anticipated progress toward the national visibility goal under the LTS it has developed. *Id.* § 51.308(f)(1). Under the current RHR, a state may establish an RPG that differs from the URP if the state demonstrates that the URP for the Class I area in question would not be reasonable. To do so, the state must provide a "robust demonstration" showing that based on the four reasonable progress factors, there are no additional emission reduction measures for anthropogenic sources in the state that may reasonably be anticipated to contribute to visibility impairment that would be reasonable to include in the LTS. *Id.* § 51.308(f)(3)(ii).

States whose emissions may cause visibility impairment in another state's Class I area and states with Class I areas that may experience visibility impairment caused by emissions from other states may be subject to an interstate-consultation requirement. *Id.* § 51.308(f)(2)(ii). The purpose of that requirement is to provide a forum for states to decide collaboratively on reasonable emission reductions and appropriate apportionment of responsibility for reducing emissions during each planning period of the regional haze program. In addition, all states are subject to a requirement to consult with the FLMs in the development of their SIPs.

Finally, the RHR specifies requirements for "best available retrofit technology" or "BART." States determine and require BART for "BART-eligible" sources that are "subject to BART" for the purpose of controlling emissions that impair visibility in Class I areas. Determining BART for a specific eligible source generally requires consideration of five factors as they apply to that source. 42 U.S.C. § 7491(g)(2); *see also* 40 C.F.R. § 51.301 (definition of BART). EPA's BART rules also permit states, instead of requiring a source to install, operate and maintain BART, to establish a "BART alternative" that would "achieve greater reasonable progress than would be achieved through the installation and operation of BART." *Id.* § 51.308(e)(2). The BART requirement was, however, largely addressed during the first planning period of the program and EPA has acknowledged that BART is a one-time determination that is not to be revisited in subsequent implementation periods.

## III. Responses to Specific Requests for Input

In the ANPRM, EPA requests that commenters organize their comments to track the specific topic and question numbers used in EPA's Federal Register notice. PGen's responses to EPA's specific requests for input are provided below in the format requested.

### *Topic 1: Development and Implementation of a Reasonable Progress Metric and Consideration of the Four Statutory Factors*

This topic seeks feedback on "whether to propose revising the [RHR] to include a reasonable progress metric that would serve to identify when reasonable progress is being made towards the national visibility goal under CAA section 169A(a)(1)." 90 Fed. Reg. at 47681. As a general matter, PGen supports an approach in which EPA would develop one or more clear, non-binding reasonable progress metrics, while allowing states the flexibility to conduct further analyses at their discretion to demonstrate that reasonable progress is being achieved or would be achieved with additional measures. Such an approach appears to be legally sound and consistent with the CAA's visibility provisions, and it would address a very real need for clarity with regard to how EPA evaluates whether a state's SIP reflects reasonable progress.

Indeed, it would build upon the approach taken under the existing RHR. For example, in 2019 guidance on regional haze SIPs under the current RHR, EPA explained that states could conduct abbreviated reasonable progress assessments for sources that have recently installed state-of-the-art controls, relying on those controls to satisfy reasonable progress requirements, and conduct more detailed reasonable progress assessments for sources or source categories that have not been subject to such requirements. *See* 2019 Guidance at 22-25. EPA recognized that, in these cases, there "will be only a low likelihood of a significant technological advancement that could provide further reasonable emission reductions having been made in the intervening

period." *Id.* at 22. In a clarification memo issued in 2021, EPA maintained that effectively controlled sources did not need to be selected for four-factor analysis, provided that states explain why additional analysis would not demonstrate a need for additional controls. Memorandum from Peter Tsirigotis to Regional Air Division Directors, "Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period," at 5 (July 8, 2021) ("2021 Guidance"). Similarly, in its 2012 Cross-State Air Pollution Rule ("CSAPR"), EPA established that states could use source-specific compliance with CSAPR to satisfy BART requirements, while allowing states to conduct additional reasonable progress assessments for sources that were not covered by the CSAPR program. 77 Fed. Reg. 33642, 33645 (June 7, 2012).

Continuing and expanding on the practices in these past policies to develop a reasonable progress metric is consistent with EPA's statutory responsibility to identify criteria for measuring reasonable progress toward the national visibility goal. *See* 42 U.S.C. § 7492(e)(1). With an appropriate reasonable progress metric, an approach to future regional haze SIPs that provides clearer guidance while allowing states to conduct their own reasonable progress assessments when the level described by the metric has not been achieved would provide a streamlined extension of methods EPA has previously employed consistent with the CAA.

- Question 1.a:

EPA seeks input on how the Agency could develop a reasonable progress metric pursuant to its authority under section 169B(e)(1) of the CAA that itself reflects consideration of the four reasonable progress factors. 90 Fed. Reg. at 47681. PGen emphasizes that, to the extent EPA proposes to develop one or more reasonable progress metrics that reflect *EPA's* consideration of the four statutory factors, it must ensure that any proposed amendments to the RHR preserve *states'* decision-making authority in the regional haze program by allowing them to present their own analysis of the four factors. In other words, the RHR should allow for approval of regional haze SIPs that *either* meet any reasonable progress metric(s) that EPA develops *or* independently demonstrate that the state is making reasonable progress towards the national goal. This approach would be consistent with EPA's responsibility to identify criteria for measuring reasonable progress while still honoring the states' role as the primary decision-making authorities under the program. *See Corn Growers*, 291 F.3d at 7-9 (emphasizing state discretion under BART requirements).

Subject to the qualifications above, there are a number of approaches that EPA could permissibly take to develop a reasonable progress metric that incorporates consideration of the four statutory factors. EPA could incorporate one or more of these metrics into the RHR for future planning periods.

*Option A – URP-Based Metric*

First, it may be permissible for EPA to utilize a URP-based approach that incorporates EPA's evaluation of the four statutory factors into an adjusted URP. Under the current RHR, EPA's policy has been that where visibility conditions for Class I areas impacted by a state are projected to meet the URP and the state has otherwise considered the four statutory factors, the state has presumptively demonstrated reasonable progress for the second planning period for that

area. *See* 90 Fed. Reg. 29737, 29738-39 (July 7, 2025) (approving West Virginia regional haze SIP); 90 Fed. Reg. 16478, 16483 (Apr. 18, 2025) (proposing approval of same). EPA could build upon this framework by providing a URP modified to account for the four statutory factors, thereby providing a legal basis for treating the URP as a true safe harbor. Such a URP-based metric could take the four factors into account using a glidepath "adjustment" approach comparable to the adjustments the current RHR allows with respect to the impact of international emissions and prescribed wildland fires on Class I areas. 40 C.F.R. § 51.308(f)(1)(vi)(B); *see* 82 Fed. Reg. at 3105, 3109. For instance, EPA could calculate the URP consistent with current practices and then adjust the glidepath further based on a consideration of the four factors.

Under this approach, consideration of the four factors could be done on a source category-wide basis for each Class I area and could include an examination of sources projected to impact the Class I area, cost-effective controls for the source category, and emission rates consistent with source category-wide reasonable progress. EPA and the U.S. Court of Appeals for the Fifth Circuit have previously found that nothing in the existing regulations or the CAA requires a source-specific four-factor analysis. *Id.* at 3088; *Texas v. EPA*, 829 F.3d 405, 428 (5th Cir. 2016). Accordingly, a URP that reflects this generalized approach to consideration of the four factors would be consistent with EPA precedent allowing for source-category-wide reasonable progress assessments and would satisfy the statutory requirement that reasonable progress be based on a consideration of the four factors, while allowing for an efficient and workable streamlining of the current approach to SIP development.

*Option B – Presumptively Approvable Reasonable Progress Limits*

EPA may also consider adopting presumptively approvable reasonable progress limits for specific source categories that reflect consideration of the four factors. This would be analogous to EPA's development of presumptive BART limits in the first planning period of the regional haze program. Under section 169A(g)(2) of the CAA, states are required to consider five statutory factors when determining BART limits. 42 U.S.C. § 7491(g)(2). In its 2005 regional haze rule and BART Guidelines, EPA developed presumptive BART limits for some sources that reflected EPA's general assessment of the five statutory BART factors on a source category-wide basis while still "provid[ing] enough flexibility for States to take particular circumstances into account[.]" 70 Fed. Reg. at 39131. The BART Guidelines established "specific presumptive limits for $SO_2$ and NOx for certain EGUs based on fuel type, unit size, cost effectiveness, and the presence or absence of pre-existing controls." *Id.* At the same time, a state could select an alternative BART limit for these sources based on "careful consideration of the statutory factors." *See id.* at 39171; *Arizona ex rel. Darwin v. EPA*, 815 F.3d 519, 542 (9th Cir. 2016) (recognizing presumptive emission limits in BART Guidelines are rebuttable).

For the third planning period and beyond, EPA could consider establishing a reasonable progress metric in a similar fashion. The Agency could evaluate source categories pursuant to the four reasonable progress factors and establish category-wide presumptively approvable reasonable progress limits. Sources that meet those limits would presumptively satisfy the reasonable progress requirement. Further, if the state's sources meet the presumptive limits—which the state could demonstrate on a source-by-source basis or in other equivalent methods, such as average emission rates for source categories—the CAA's reasonable progress requirements would be satisfied for those sources, and no additional action would be needed.

States would also retain discretion under such an approach to evaluate sources for which no presumptive limit applies, to demonstrate that such sources are not necessary to address for reasonable progress purposes for a given planning period, or to require measures that differ from the presumptive limits, based on the state's assessments of the four statutory factors for individual sources. If EPA adopts this approach, it should make clear that any state that does not wish to rely on EPA's presumptively approvable emission limits in its SIP submission will not have an additional burden to demonstrate why those presumptively approvable limits are not appropriate for its sources.

If EPA were to adopt a metric based on presumptively approvable reasonable progress limits, it would also allow the Agency to further streamline the regional haze program's requirements for states by calculating presumptively approvable RPGs for each Class I area based on application of those presumptively approvable reasonable progress limits. These RPGs could therefore be said to reflect consideration of the four reasonable progress factors, and states that are achieving those RPGs could determine that they have no further obligations to address reasonable progress in a given planning period. A metric that uses presumptively approvable reasonable progress limits and associated RPGs, moreover, could provide states with additional flexibility to design reasonable progress requirements necessary to meet the presumptive targets (either emission rate limits or RPGs), consistent with the obligation to take the four factors into account.

*Option C – Regulatory Equivalency Determination*

Similar to the "presumptively approvable reasonable progress limit" approach described above, EPA could declare that emissions limitations imposed under various other CAA regulatory programs presumptively satisfy reasonable progress requirements.

Congress and EPA have both emphasized that taking advantage of emission reductions achieved through other regulatory requirements is a hallmark of the regional haze program and that doing so, in fact, was Congress's intention for the program. EPA has traditionally allowed states to leverage emission reductions achieved under other provisions of the CAA, along with other efforts that may affect visibility-impairing emissions, to address the requirements of the Act's visibility provisions in the most efficient way possible. *See, e.g.*, 2021 Guidance at 2 (recognizing the "many opportunities for states to leverage both ongoing and upcoming emission reductions under other CAA programs"); 70 Fed. Reg. at 39143 ("EPA does not believe that anything in the CAA or relevant case law prohibits a State from considering emissions reductions required to meet other CAA requirements when determining whether source by source BART controls are necessary to make reasonable progress.").

Consistent with that principle, courts have repeatedly upheld previous EPA rules providing that compliance with other CAA programs was sufficient to achieve specific goals of the regional haze program. In 2012, EPA promulgated the CSAPR-for-BART rule codifying EPA's determination that sources complying with CSAPR would achieve greater reasonable progress than otherwise required through compliance with BART and that states could rely on the CSAPR-for-BART rule to satisfy regional haze requirements for the first planning period of the regional haze program. 77 Fed. Reg. at 33645. This rule followed in the footsteps of EPA's 2004 rule establishing that compliance with CSAPR's predecessor, the Clean Air Interstate Rule

("CAIR"), was also "better than BART" and sufficient to satisfy regional haze requirements. 70 Fed. Reg. at 39138-39. Both rules were upheld by the D.C. Circuit as consistent with the CAA's visibility requirements. *See UARG I*, 471 F.3d at 1335 (upholding CAIR-for-BART rule); *Utility Air Regulatory Group v. EPA*, 885 F.3d 714, 718 (D.C. Cir. 2018) ("*UARG II*") (upholding CSAPR-for-BART rule). In an earlier decision affirming EPA's general authority to approve "better-than-BART" alternatives in SIPs, the D.C. Circuit emphasized that Congress itself recognized the beneficial impact that the CAA's other regulatory requirements have on visibility, holding that "the focus of the Clean Air Act was to achieve 'actual progress and improvement in visibility,' not to anoint BART the mandatory vehicle of choice." *Ctr. for Energy & Econ. Dev. v. EPA*, 398 F.3d 653, 660 (D.C. Cir. 2005) (quoting 42 U.S.C. § 7492(b).

Similarly, here, implementation of other provisions of the CAA may demonstrate "actual progress and improvement in visibility" such that further controls are not necessary for a state to make reasonable progress in a particular planning period. EPA could undertake a rulemaking similar to its CSAPR-for-BART rule to determine that compliance with other CAA programs provides for reasonable progress for the third or subsequent planning periods. Any number of rules affecting the emissions of visibility-impairing pollutants may figure into such a demonstration. EPA should consider whether compliance with requirements that limit (directly or indirectly) visibility impairing-pollutants, such as new source performance standards ("NSPS"), maximum achievable control technology ("MACT"), reasonably available control technology ("RACT"), best available control technology ("BACT"), or lowest achievable emissions rate ("LAER"), could be used to demonstrate reasonable progress. Compliance with good neighbor SIPs and other rules to address interstate transport of visibility-impairing pollutants might also be a possible vehicle for demonstrating reasonable progress by leveraging emissions reductions under other CAA programs.

EPA states in the ANPRM that it "could anticipate current measures to be considered into the reasonable progress metric. Here, control measures already in place may have been developed through requirements such as [RACT], [BACT], or [LAER], which have similar considerations to those of the four statutory factors." 90 Fed. Reg. at 47601. An approach that evaluates the suite of "current measures" in place in each state, alongside a consideration of the four reasonable progress factors, could also result in a state-by-state determination as to whether existing measures in a state are sufficient to address reasonable progress for a given planning period. As a legal matter, such an approach would not appear to be significantly different from the regional approaches taken in the CAIR- and CSAPR-for-BART rules.

In addition to determining that implementation of certain regulatory programs satisfies reasonable progress requirements for a state generally, or as to a specific class of sources in the state, EPA could also adopt regulatory determinations that individual sources' compliance with specified CAA requirements satisfies reasonable progress requirements as to those sources for a given planning period. EPA has previously articulated the rationale for relying on a source's compliance with other CAA provisions to satisfy regional haze emissions requirements in its 2019 Guidance and its 2005 BART Guidelines. There, EPA reasoned that for sources recently equipped with technology to meet stringent emissions standards under other CAA programs, states would be unlikely to be able to identify technological advancements providing additional emissions reductions that are reasonable. *See* 70 Fed. Reg. at 39163-64 (finding that it is unlikely states would be able to identify emissions control technologies more stringent than required by

MACT standards that are also cost-effective and permitting states to rely on MACT standards for purposes of meeting BART requirements); 2019 Guidance at 22-25 ("In general, if post-combustion controls were selected and installed fairly recently … to meet a CAA requirement, there will be only a low likelihood of a significant technological advancement that could provide further reasonable emission reductions having been made in the intervening period."). Compliance measures taken (or controls installed) pursuant to certain CAA requirements that are more stringent than those that would be required to achieve "reasonable progress" under the regional haze program should therefore be sufficient to demonstrate compliance with reasonable progress requirements.

In its prior review of regional haze SIPs, EPA has generally left it to states to decide whether to rely on these requirements to demonstrate reasonable progress and how to justify that reliance, causing confusion and considerable work for the states. EPA could streamline states' planning requirements by adopting a clear presumption that sources that are subject to specific requirements under the CAA need not undergo reasonable progress assessment. Such findings could be useful to sources should a state fail to meet or choose not to make use of one of the broader reasonable progress metrics discussed above and instead develop reasonable progress limits based on a source-by-source evaluation.

- Question 2:

In conjunction with its request for alternative reasonable progress metrics, EPA asks what form any reasonable progress metric could take. 90 Fed. Reg. at 47681. The form of a reasonable progress metric could vary considerably depending on the basis and nature of the metric chosen.

A metric based on the URP with an adjustment calculated based on consideration of the four reasonable progress factors (as discussed in Option A above) would be in the form of a glidepath toward natural visibility conditions with target levels of visibility improvement over time for each Class I area. States could assess their compliance with the URP-based metric by comparing their projected visibility conditions against those identified as reasonable by comparison to the glidepath at a specified point in time, like the 20% best and most impaired days during the final year of the planning period.

On the other hand, a metric based on presumptively approvable reasonable progress limits (as discussed in Option B above) would be expressed in terms of emission rate limits for various categories and subcategories of sources. States could then compare the performance of their sources against the presumptively approvable reasonable progress limits.

If EPA were to make regulatory equivalency determinations (as discussed in Option C above), then a state would only need to show its sources are subject to regulation under the relevant regulatory programs to demonstrate that it has achieved EPA's reasonable progress metric.

Because states may be better positioned to determine which metric is best suited to measuring reasonable progress for its Class I areas and affected sources, EPA should consider adopting more than one metric for evaluating reasonable progress. It would not be inconsistent, for instance, for EPA to determine that an adjusted URP represents reasonable progress and to

also determine that compliance with a particular regulatory requirement, such as an interstate transport rule, is also equivalent to (or better than) what would be required by demonstrating reasonable progress. Likewise, it would be reasonable for a state to demonstrate that its sources are already taking sufficient steps to make reasonable progress because some sources are achieving presumptively approvable reasonable progress limits adopted by EPA while others are complying with other CAA requirements that achieve better visibility improvement than would otherwise be required by a four-factor analysis. For these reasons, EPA should consider adopting more than one pathway for demonstrating reasonable progress by comparison to a metric and allow states to choose which metric is best suited to their situation.

- Question 2.a.:

EPA also requests feedback on retaining its current URP-based approach to evaluating reasonable progress, in which "[b]eing at or below the URP line [as determined under the current RHR] indicates the reasonable progress requirement has been met, so long as the state has adequately considered the four statutory factors in developing its SIP submission." 90 Fed. Reg. at 47681.

PGen supports EPA's current policy as expressed, among other places, in the Agency's 2025 approval of West Virginia's regional haze SIP. *See* 90 Fed. Reg. at 29738-39. At a minimum, EPA should codify this policy in the RHR, regardless of whether the Agency also adopts additional alternative reasonable progress metrics that incorporate consideration of the four factors. EPA's current policy is legally permissible and provides a reasonable and consistent way for states and EPA to assess reasonable progress "that is reasonably moored to the CAA's provisions" while recognizing the states' lead role in the planning process. *North Dakota v. EPA*, 730 F.3d 750, 766 (8th Cir. 2013). EPA established the URP as a benchmark for the purpose of assessing reasonable progress toward the national goal established by Congress. *See, e.g.*, 82 Fed. Reg. at 3089 ("In essence, the provision [establishing the URP] requires a state to make a comparison between its chosen control set and the specific set of control measures that would be needed to achieve the URP by the end of the implementation period."). If the state is surpassing or meeting the URP for impacted Class I areas and has considered the four statutory factors in developing its SIP, it logically follows that the progress the state is making toward the national visibility goal is reasonable progress. Thus, at the very least, EPA should codify this policy in revisions to the RHR.

Although this approach is legally sound and relieves states of some uncertainty associated with the regional haze program, it still relies on states to perform the four-factor analysis on a set of selected sources, as EPA recognizes in the ANPRM. 90 Fed. Reg. at 47681. Adopting one or more additional metrics that take the four factors into account would further streamline the process, reduce burdens, and create a clearer pathway for states to evaluate whether additional controls are needed for a particular planning period. EPA should therefore consider, in addition to codifying the current policy and allowing states the option to rely on it, adopting additional robust reasonable progress metrics that also take into account the four factors, as discussed in the examples described above.

- Question 2.b.:

EPA also asks whether it could adopt a URP-based reasonable progress metric that involves revising the technical considerations that are the basis of the URP framework. *Id.* This option also has merit and could be used to further streamline the regional haze program. As described above, one effective approach to revising the URP metric could be to adjust the URP based on a consideration of the four reasonable progress factors, thereby allowing states to fully rely on achievement of the adjusted URP to demonstrate reasonable progress, consistent with the statute. A URP adjusted to reflect consideration of the four factors would provide a straightforward approach to assessing reasonable progress and defining state obligations, removing much uncertainty from the program.

The three other technical adjustments EPA presents in Questions 2.b.i, 2.b.ii, and 2.b.iii, while likely within EPA's authority, do not appear to address the issue of consideration of the four factors in establishing a reasonable progress metric, although it is possible they could incorporate such considerations. PGen notes, however, that two of the alternatives on which EPA solicits comment (recalculating the URP each planning period and developing a new metric) may introduce uncertainty and make it difficult to compare progress during different planning periods, resulting in increased burdens for states and regulated sources.

- Question 3:

The ANPRM requests comment on whether EPA should incorporate a "safe harbor" concept into the RHR. 90 Fed. Reg. at 47682. PGen believes EPA should adopt a regulatory safe harbor and can do so most effectively through creation of a reasonable progress metric that takes the four factors into account. Such a metric would satisfy the CAA's requirement that reasonable progress be based on a consideration of the four factors. An approach based on the URP, adjusted to reflect the four factors, would also be well positioned to allow EPA to take visibility considerations into account alongside the four factors since it directly incorporates the program's ultimate objective of achieving the national visibility goal.[4]

Accordingly, if EPA were to adopt a reasonable progress metric that includes consideration of the four factors, such a metric should automatically serve as a safe harbor, should a state wish to rely on it. In adopting such a metric, EPA should make clear that the metric takes into account visibility and the four factors, thereby satisfying all reasonable progress requirements.

[4] As discussed further in response to Question 15 below, in developing a state's LTS, the CAA requires consideration of visibility alongside the four explicitly listed reasonable progress factors. The statute requires states to determine what is necessary to achieve reasonable progress toward the national visibility goal. The structure of the Act, therefore, makes visibility a key consideration in addition to, and potentially even overriding, the four reasonable progress factors.

***Topic 2: Development of Criteria Used to Determine When a SIP Revision is Necessary***

The ANPRM explains that EPA is considering revising the RHR so as to provide that a state need not submit a regional haze SIP revision addressing some or all of its Class I areas for a given planning period in certain circumstances, such as if the state can show that it is making reasonable progress for the planning period or where visibility impairment is dominated by natural sources. 90 Fed. Reg. at 47682. EPA further explains that it "could develop SIP obligation criteria that, when applied, would give states definitive information about whether or not a SIP revision is required." *Id.* EPA goes on to describe what those criteria might include, such as identifying Class I areas that are below a reasonable progress metric for a particular time period, establishing a "preservation" category of Class I areas that have effectively achieved natural conditions, and/or identifying states whose sources do not meaningfully contribute to visibility impairment in Class I areas.

This concept is practical, legally sound, and would provide significant relief for states and regulated parties in future planning periods. In general, the goal of the regional haze program is to prevent future and remedy existing anthropogenic visibility impairment in Class I areas. Just as EPA guidance recognizes that states have discretion to decide which pollutants and which industries to evaluate for reasonable progress, EPA should provide that states may opt out of submitting a SIP for an individual planning period if the state demonstrates that it is already making reasonable progress. EPA should further allow states to make relatively simple showings of adequate reasonable progress by adopting a URP safe harbor policy.

With respect to the potential for backsliding, EPA should acknowledge that degradation in air quality due to increased emissions from regulated sources is highly unlikely. Indeed, those sources will remain subject to emission limitations consistent with their obligations under the regional haze program and other CAA programs. Moreover, before EPA designs provisions intended to prevent backsliding, it must fully evaluate the potential for backsliding to occur and design a regulatory response appropriate to that risk. In the absence of such information, EPA cannot make an informed decision about the need for or structure of any anti-backsliding requirements.

Further, as discussed above, if EPA adopts a reasonable progress metric that incorporates consideration of the four factors, states meeting that metric could also reasonably be excluded from the requirement to submit a new SIP each planning period, even if their Class I areas do not yet qualify for preservation status. EPA should adopt both a reasonable progress metric and its suggested preservation status approach in revisions to the RHR.

- Question 6:

EPA asks whether the national visibility goal of section 169A(a)(1) of the CAA requires that every Class I area actually be at natural visibility conditions or whether achieving the goal may refer to something less stringent. 90 Fed. Reg. at 47683. PGen believes that the best reading of the CAA is that the national visibility goal envisions the elimination of *perceptible* visibility impairment in Class I areas from domestic anthropogenic sources, while recognizing that states may not be able to address all the emission sources that contribute to such visibility impairment,

such as emissions from wildfires or from interstate or international sources. EPA's regional haze regulations should recognize and account for these limitations.

First, it bears noting that section 169A does not directly require achievement of the national visibility goal, which is ultimately a *goal* and not a mandate. Under the CAA, states are required to develop SIPs that contain "measures as may be necessary to make reasonable progress toward meeting the national goal." CAA § 169A(b), 42 U.S.C. § 7491(b). But the statute uses no mandatory language with respect to achieving the national goal itself. Thus, the statute does not require that the national goal of visibility unimpaired by anthropogenic emission be achieved. The D.C. Circuit affirmed the nonbinding nature of the national goal in *Corn Growers*, in which the court recognized that "the natural visibility goal is not a mandate, it is a *goal*." 291 F.3d at 10 (emphasis in original). In other words, the national visibility goal is an aspirational metric that "serves as the foundation for analytical tools to be used by the states to set reasonable progress goals." *Id.* This is appropriate given that some sources contributing to visibility impairment may be beyond a state's ability to reasonably address.

Second, the national goal refers to the prevention and remedying of "impairment of visibility" in Class I areas. CAA § 169A(a)(1), 42 U.S.C. § 7491(a)(1). The CAA defines "impairment of visibility" to include "reduction in visual range and atmospheric discoloration." *Id.* § 169A(g)(6), 42 U.S.C. § 7491(g)(6). Both visual range and discoloration are concepts that hinge on perception by the human eye. Thus, the CAA inherently focuses on *perceptible* reductions in visibility. The CAA does not require elimination of *imperceptible* reductions in visibility, as discussed further in response to Question 8 below. Thus, because the statute only requires reasonable progress toward the national goal of eliminating and preventing perceptible manmade visibility impairment, it follows that reasonable progress can be consistent with a remaining de minimis amount of visibility impairment—such as where remaining impairment is not susceptible to control or is no longer perceptible to the human eye.

- Question 7:

EPA need not develop new or different planning requirements to address prevention of "future anthropogenic visibility impairment" beyond the regional haze requirements for demonstrating reasonable progress based on the four statutory factors. 90 Fed. Reg. at 47683. The reasonable progress requirement applies to the national goal described in section 169A(a)(1)—"the prevention of any future, *and* the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution"—in its entirety. 42 U.S.C. § 7491(a)(1) (emphasis added). Accordingly, a SIP that adequately demonstrates compliance with the reasonable progress requirement necessarily addresses the prevention of future visibility impairment consistent with the CAA's requirements. So long as an approved regional haze SIP is in place and EPA determines that a state is meeting its reasonable progress obligations, the requirement to make reasonable progress toward the goal of preventing future visibility impairment has been addressed for purposes of the Act.

To the extent EPA needs additional assurance, PGen believes that the PSD program also serves as a reasonable backstop to ensure the continued prevention of future visibility impairment. As discussed above in response to Question 1, it is reasonable for EPA to rely on other provisions of the CAA to demonstrate compliance with the regional haze program.

Additionally, and as previously articulated, states that are complying with reasonable progress obligations are, by definition, addressing future prevention of visibility impairment to the extent required by the regional haze program.

- Question 8:

EPA solicits feedback on four possible approaches to developing a numerical threshold that would identify when a Class I area has achieved the national visibility goal. 90 Fed. Reg. at 47683. Of the four possible thresholds EPA suggests, PGen believes the most reasonable approach is EPA's fourth alternative based on "[e]stimated U.S. anthropogenic impairment of []less than 1 deciview or some other indicator of perceptible impairment (model-based)." *Id.*

As to the limitation to "U.S. anthropogenic impairment," a state impacted by foreign anthropogenic sources or wildfire emissions should be credited with meeting the goal of natural visibility conditions if the state has controlled emissions to the extent they have authority to do so—*i.e.*, when absent emissions from external sources, its Class I areas would have otherwise achieved natural visibility conditions. Incorporating this view into any threshold for achieving the national visibility goal is reasonable for the same reasons EPA identified when it determined it was appropriate to adjust the URP to account for foreign emissions and wildfire emissions. As EPA explained in its proposal for the 2017 RHR, later finalized, "it has never been the intention of the EPA that states be obligated to in any way compensate for haze impacts from anthropogenic international emissions by adopting more stringent emission controls on their own sources," and "impacts from natural sources in other countries should be considered part of natural visibility conditions."81 Fed. Reg. 26942, 26956 (May 4, 2016). EPA acknowledged that allowing states to take foreign and wildfire emissions into account is important because impacts from these emissions may trigger certain regional haze requirements. *Id.* The same concern—that states be expected to compensate for foreign or wildfire emissions—holds true in this context as well.

As to an appropriate numeric threshold for achieving the visibility goal, the CAA supports the conclusion that visible perceptibility is an important consideration in determining if any remaining visibility impairment exists. The CAA defines visibility impairment by reference to "reduction in visual range and atmospheric discoloration." CAA § 169A(g)(6), 42 U.S.C. § 7491(g)(6). Both visual range and discoloration are concepts that hinge on perception by the human eye. The national goal is to prevent future and remedy existing "impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution." *Id.* § 169A(a)(1), 42 U.S.C. § 7491(a)(1). Accordingly, the CAA does not call for eliminating all emissions that might contribute to visibility impacts, nor does it require air that is free of visibility impairing pollutants. It calls for eliminating visibility impairment, which is defined in terms of visual range and discoloration. The national goal itself is thus based on the premise that perceptibility is an important value, and elimination of *perceptible* impairment is the goal of the Act.

EPA first adopted the deciview as a metric of human perceptibility of visibility impairment in the 1999 RHR following publication of the concept in a peer-reviewed journal in 1994. When establishing the BART Guidelines in 2004, EPA described a "one deciview change in haziness to be a small but noticeable change in haziness under most circumstances," and EPA

noted "[t]he deciview can be used to express changes in visibility impairment that correspond to a human perception in a linear, one for one, manner." 69 Fed. Reg. 25184, 25194 (May 5, 2004) (describing findings in the 1999 RHR, 64 Fed. Reg. 35725-27 (July 1, 1999)). EPA stated that it believed "visible changes of less than one deciview are likely to be perceptible in some cases, especially where the scene being viewed is highly sensitive to small amounts of pollution" but "acknowledge[d] that for other types of scenes … a change of more than one deciview might be required in order for the change to be perceptible." *Id.* In other words, perceptibility based on changes within one deciview varies slightly depending on site-specific factors, but one deciview reflects a change in perceptibility applicable to most locations. Including a standard that allows for less than one deciview of impairment is therefore consistent with EPA's prior determinations regarding what constitutes a perceptible change in visibility and would likely be appropriate and consistent with Congress's goals for the regional haze program.

- Question 9:

EPA requests input on various criteria to identify Class I areas that states do not need to substantively address in their regional haze SIP revisions, including: (1) a determination that the area is achieving reasonable progress for the planning period, based on a reasonable progress metric; (2) a determination that the area qualifies for a "preservation" category because it is at or near natural visibility conditions; and (3) a determination that the state's contribution to visibility impairment in the Class I area is *de minimis*. 90 Fed. Reg. at 47683-84.

PGen supports all three of the potential criteria EPA has described, and EPA should include each in its revisions to the RHR. Each of these criteria is consistent with the Act, and their incorporation into the RHR will not prevent SIPs from meeting the statutory requirement to contain "such emission limits, schedules of compliance and other measures as may be *necessary* to make reasonable progress." CAA § 169A(b)(2), 42 U.S.C. § 7491(b)(2) (emphasis added). First, if a state is satisfying EPA's reasonable progress metric for one or more Class I areas, then its SIP necessarily must already contain the "necessary" provisions to ensure the state is making reasonable progress towards the national visibility goal for those areas. Second, if a Class I area has achieved natural visibility conditions (or within a range of perceptibility, as discussed in response to Question 8, and accounting for foreign source contributions to the area), the SIP provisions are sufficiently protective to meet the national visibility goal, so additional revisions are not "necessary." And third, if a state's emissions do not meaningfully contribute to visibility impairment in a Class I area, then additional SIP revisions addressing that area cannot be "necessary."

Finally, with respect to establishing a *de minimis* contribution threshold, EPA has previously identified a 0.5 deciview standard for finding that an individual source contributed to visibility impairment. 70 Fed. Reg. at 39119. Thus, at a minimum, a state whose sources collectively contribute 0.5 deciviews or less to visibility impairment at a Class I area should be considered to have a de minimis impact. If a state's sources fall within this *de minimis* threshold, it follows that further controls will not appreciably impact visibility in Class I areas, and thus SIP revisions are not "necessary."

### *Topic 3: Determining SIP Content Requirements*

PGen supports amending the RHR to ease burdens on states submitting SIPs and to provide "a clear understanding and pathway for achieving a fully approvable Haze SIP revision." 90 Fed. Reg. at 47684. Lack of clear direction as to how states can ensure they are submitting approvable SIPs has been a burden in the current and previous planning periods. EPA has often insisted upon documentation and additional analyses to support SIP determinations based on a subjective and potentially arbitrary standard of the "reasonableness" of the state's decisions. This has led to considerable disagreement and confusion, and PGen supports EPA taking steps to lessen this problem.

- Question 12:

EPA requests comment on alternatives to the RHR's current 10-year planning periods. 90 Fed. Reg. at 47684. PGen believes the CAA would support adoption of either a 15-year planning period or an "as-needed" approach as suggested by EPA. States have struggled to meet the current 10-year planning timeframe, and EPA has previously had to extend the SIP submittal deadline for the second planning period.[5] Moreover, EPA has been subject to several court-ordered deadlines for completing SIP reviews when it has missed statutory deadlines for doing so. A longer period between SIP revisions would allow states more time to undertake the work of preparing a SIP. It would also, as EPA notes in the ANPRM, be consistent with language in the statute indicating that a SIP's long-term strategy for addressing regional haze can span 10 to 15 years. CAA § 169A(b)(2)(B), 42 U.S.C. § 7491(b)(2)(B).

Between the two options that EPA describes, adopting a 15-year planning period may have practical benefits over an as-needed approach. In particular, requiring periodic updates on a fixed timeline provides greater certainty and predictability for states as they approach their planning obligations. Allowing SIP submittals on an as-needed basis would provide greater relief for both states and EPA but may lead to uncertainty regarding when a state may need to commit resources to regional haze planning. It could also counterintuitively lead to more frequent submissions being required from states if successive presidential administrations reach different conclusions as to whether a state's obligation to submit a SIP is triggered. If EPA does pursue an as-needed approach, EPA could establish a process by which states make abbreviated submittals—not a full SIP submission—indicating the basis on which the state believes it is satisfying reasonable progress and a formal finding consistent with clear EPA rules, that a SIP submittal is not required. EPA could then take action to approve such submittals, much as it does with respect to five-year progress reports under the existing RHR.

[5] EPA has also proposed to extend the deadline for submittal of SIPs addressing the third planning period. 89 Fed. Reg. 104471 (Dec. 23, 2024). As expressed in its comments on that proposal and on EPA's 2024 non-regulatory docket for regional haze issues, PGen supports EPA's proposed extension and encourages EPA to finalize it. *See* EPA-HQ-OAR-2023-0262-0018; EPA-HQ-OAR-2023-0262-0036.

- Questions 13 and 14:

In these Questions, EPA solicits feedback on whether and how states may rely on other CAA regulatory programs and sources' current emission measures, including whether states must incorporate these other requirements or controls into their regional haze SIPs. 90 Fed. Reg. at 47685. PGen supports allowing states to rely on these impacts without having to separately incorporate those emission reductions as federally enforceable requirements of the state's Regional Haze SIP.

EPA should encourage the leveraging of emission reductions achieved under other CAA programs and any other relevant authorities for satisfying regional haze obligations. As discussed in response to Question 1.a., the D.C. Circuit has approved EPA's determination that compliance with a different provision of the CAA may be used to satisfy regional haze requirements, noting that the "focus of the Clean Air Act was to achieve 'actual progress and improvement in visibility'" rather than to mandate one particular means of doing so. *Ctr. for Energy & Econ. Dev.*, 398 F.3d at 660.

EPA has, in the past, been unnecessarily restrictive in allowing states to rely on other programs to address reasonable progress, insisting that such programs or requirements be incorporated into a SIP to ensure that they are enforceable and real emission reductions. Allowing states to reference compliance with other programs, some of which are more stringent than regional haze requirements, is a more realistic approach that recognizes that sources must comply with permit terms and other regulatory requirements regardless of whether they are formally adopted as part of a regional haze SIP. EPA should adopt rule revisions indicating that other regulatory requirements that are enforceable under state or federal law are sufficiently permanent and real to justify their inclusion in an LTS to address regional haze without their inclusion in a regional haze SIP. If a state wishes to rely on existing binding requirements, such as those in a current permit, to demonstrate reasonable progress, the state should be able to satisfy its obligations with respect to the source at issue by simply referring in its SIP narrative to the requirements on which it is relying.

- Question 15:

EPA questions whether and how visibility should be considered as a regulatory factor to ensure that Regional Haze SIP revisions are evaluated based on visibility improvement. 90 Fed. Reg. at 47685. EPA is correct that the overarching purpose of the regional haze program is "to remedy any existing and prevent any future visibility impairment." 90 Fed. Reg. at 47685. As such, visibility is not merely "a regulatory factor," but the *essential* criterion to be considered in determining what SIP requirements are necessary to make reasonable progress toward the national visibility goal. The language of the CAA makes clear that states evaluate reasonable progress toward the national visibility goal. Without taking the fundamental visibility goal into account, state analysis under the four statutory factors is divorced from the overall purpose of the program. Indeed, reasonable progress cannot be determined without consideration of the goal toward which progress is to be made.

While the four reasonable progress factors must be evaluated in setting reasonable progress goals, what is or is not reasonable must be determined in the context of visibility

improvement achieved. Congress intended for states to take a balanced approach that looks at multiple considerations, including visibility, rather than focusing excessively on a single factor such as costs. Accordingly, EPA should not limit its evaluation of a state's LTS to the statute's four explicitly enumerated reasonable progress factors while ignoring the role of visibility impacts in the reasonable progress analysis. Congress's decision to include the four factors in the statute demonstrates its understanding that visibility improvement alone, with no regard to costs or other impacts, should not force unreasonable regulations.

In the past, EPA appears to have asserted that states may consider visibility only in certain circumstances. 2021 Guidance at 13. For example, EPA advised that visibility cannot be used to reject otherwise cost-effective controls, but that it could be used to tip the scale in favor of one cost-effective control over another. *Id.* It would be reasonable for EPA to require states to consider visibility impacts to provide context for the four statutory factors, particularly if EPA adopts a de minimis provision as discussed in response to Question 9. EPA should make clear that visibility can be considered in various ways and is subject to state discretion, but that consideration of visibility is a statutory requirement and relevant consideration that states are free to weigh in evaluating SIP requirements. For example, EPA should clarify that states may decline to impose otherwise cost-effective controls on a source as part of its Regional Haze SIP if those controls would have only negligible impacts on visibility in Class I areas.

- Question 16:

PGen supports eliminating the RHR's requirement for states to submit 5-year progress reports. Under the current RHR, a state must submit a progress report in the form of a SIP revision every five years after it submits a comprehensive regional haze SIP. 40 C.F.R. § 51.308(g). EPA did not identify a statutory basis for this requirement and has not shown them to have significant utility. Although states should have discretion to submit periodic progress reports, they should not be required by EPA.

- Question 17:

PGen also supports eliminating the reasonably attributable visibility impairment ("RAVI") provisions of the RHR. The RAVI program was established in 1980 when regional haze regulations had not yet been established. At present, the regional haze program is well-established and comprehensively addresses visibility impairment in Class I areas, along with other provisions of the CAA. Because the regional haze program is comprehensive and mature at this point, EPA should determine that RAVI is no longer necessary to facilitate the goals of the regional haze program.

- Question 19:

EPA requests comment on how the Agency could revise or clarify the interstate consultation process states must undergo. 90 Fed. Reg. at 47685. PGen supports amending the RHR to clarify the requirements for sufficient interstate consultation. States have engaged in extensive documentation of their interstate consultation efforts but have nevertheless had the adequacy of their consultation disapproved by EPA. *See* 81 Fed. Reg. 296 (Jan. 5, 2016) (partially disapproving revisions to Texas and Oklahoma Regional Haze SIPs on the basis on

inadequate consultation). The absence of a simple and clear standard for determining whether consultation has been adequate thus leaves states in a difficult situation and creates substantial burdens. The regional planning organization ("RPO") process provides a well-designed forum for conducting interstate consultation. EPA should establish a presumption that if a state has engaged in the RPO process, it has satisfied its interstate consultation requirements.

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PGen appreciates the opportunity to comment on the ANPRM and supports EPA's efforts to revise the RHR to streamline and simplify the regional haze program and to align its requirements with the overarching purposes of Act's visibility protection provisions. PGen looks forward to continuing to work with EPA on this important effort. If EPA has any questions on these comments, or if EPA would like to meet with PGen members to discuss these comments further, it should contact PGen's counsel below, who will work with PGen's Board of Directors to arrange a convenient time.

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/s/ *Andrew D. Knudsen*

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