



Policy Resolution 2018-05

Air Quality and Methane Emissions Regulation

A. BACKGROUND

1. Clean air is essential for strong communities and superior quality of life. Air quality is influenced by both human activities and natural phenomena. Baseline air quality and the sources of impacts to that baseline differ based on local industry, geography, population, meteorology, and other state or regional conditions.
2. In the West, high elevations, extreme variations in topography, vast landscapes, and vacillating weather patterns influence air quality. The West is also disproportionately impacted by wildfires, high wind dust events, and international transport of pollutants. Pollutant sources, methods of dispersion, and types of impacted areas in the West are very different from those in the eastern United States.
3. The Clean Air Act (CAA) establishes a regulatory structure for controlling, monitoring, and improving air quality through a system of cooperative federalism in which states and the Environmental Protection Agency (EPA) work together as co-regulators and as partners in air quality management.
4. States have the authority to manage air quality within their borders. Many western states have assumed primary responsibility for the implementation and enforcement of the CAA, subject to the minimum requirements established by EPA, through approved State Implementation Plans (SIPs).
5. The CAA obligates all states to develop SIPs to attain and maintain National Ambient Air Quality Standards (NAAQS) for criteria pollutants. The General Conformity Rule requires federal agencies to work with states in nonattainment and maintenance areas to ensure that federal actions conform to any applicable SIP.
6. Air quality in the West has benefited from significant emissions reductions over the last 20 years. However, the number and types of remaining emissions sources controllable by states are somewhat limited. The CAA directs states, pursuant to their SIPs or FIPs, to reduce criteria pollutant emissions from sources that states can control, not natural or international sources. It also precludes states (except California) from establishing emissions standards for mobile sources.

B. GOVERNORS' POLICY STATEMENT

Co-Regulation

1. Western Governors value the cooperative federalism in air quality management and believe its application can and should be improved. In some cases, federal agencies disregard state expertise and authority over air quality or do not solicit valuable input from states. Limited availability of financial resources exacerbates these tensions.

2. EPA should recognize state authority under the CAA and accord states sufficient flexibility to create air quality and emissions programs tailored to individual state needs, industries, and economies. In reviewing state plans, EPA should focus on the circumstances facing the individual state. EPA should not reject reasonable state policy choices based solely on concerns that such choices might not be appropriate for all states.
3. Federal agencies should communicate, consult, and engage with Governors and state air quality agencies as co-regulators. For example, in the Prevention of Significant Deterioration (PSD) program, EPA should work with states to clarify responsibilities and procedures to improve coordination and consultation among state agencies, EPA, and federal land managers, as well as develop guidelines and tools for the program.
4. State CAA programs require financial and technical support from EPA and Congress. EPA must have sufficient resources to perform the research necessary to develop tools, templates, and guidance for states to implement effective and efficient air programs.
5. EPA rules and guidance should be clear, timely, and supported by current science and data. EPA should consult with states throughout the drafting process before a potential rule or guidance becomes public. EPA should also provide states with timely implementation guidance when new and revised regulations or standards are published.
6. States require certainty and consistency from Congress and EPA to implement their CAA programs. Congress and EPA should maintain the deadline for the New Source Performance Standard (NSPS) for wood stoves and its regulations addressing mobile sources. States are depending on these reductions to comply with their SIPs.
7. Under current rules and guidance, states must monitor NAAQS throughout a 20-year maintenance period, even when there is no threat of an exceedance and/or the standard has been superseded by a more stringent or different standard. States should be allowed to reduce monitoring in maintenance areas that have appropriately demonstrated air quality in the area is below the NAAQS. This allowance will free resources to address pollutants that remain a concern.

Ozone

8. Uncontrollable events and conditions (such as wildfire, lightning, biogenic emissions, stratospheric ozone intrusion, and transported ozone from international and interstate sources) result in elevated levels of background ozone. Western Governors have significant concerns about the lack of CAA tools available to account for ozone exceedances resulting from factors outside state control.
9. The West needs additional and ongoing research on background, interstate, and international ozone. This research should be transparent, comprehensive, and coordinated with state air quality agencies and regional organizations. With this new information, EPA should reconsider the one percent threshold for significant contribution for interstate ozone transport obligations.
10. Congress should provide dedicated funding for analysis of background and transported ozone in the West, as it has historically done for the eastern United States.

Exceptional Events

11. Exceptional event demonstrations are resource-intensive, costly, and place a significant burden on strained state resources, especially when EPA does not review or approve these state submissions in a timely manner. EPA should streamline the process for exceptional event demonstrations, provide additional technical tools for states, and allocate resources to review state demonstrations.
12. Western Governors believe the states and EPA would benefit from the following approaches to exceptional events demonstrations: (1) aggregation of multiple factors contributing to air quality to prove a single exceptional event exceedance demonstration; (2) regional exceptional event demonstrations; and (3) reference to previously submitted and approved exceptional events demonstrations for repeated event types.
13. EPA should: create an online submission system for exceptional event demonstrations; develop a database with information on air quality impacts in the West (with special emphasis on wildfires); and provide a clearinghouse with tools that states can use for exceptional events demonstrations.

Regional Haze

14. Good visibility in the 118 western Regional Haze Program Class 1 Areas, which include many of the crown jewels of the West's national parks and wilderness areas, positively impacts western states' economies. It is important to address mobile and international emissions sources beyond states' control in the context of western states' regional haze planning processes.
15. The profound impacts of fire and smoke on visibility at Class I areas in the West should be recognized in the Regional Haze Guidance and Rule.
16. EPA provided Draft Regional Haze Guidance for the second implementation period of the Rule in July 2016 but has not finalized this guidance. States are beginning work on their SIPs for the second implementation period. Final Regional Haze Guidance is necessary to reduce uncertainty for states as they formulate their SIPs.
17. Given the importance of improved visibility in the West, EPA should provide funding and resources to states throughout the planning and implementation process.

Wildfire and Prescribed Fire

18. More frequent and intense wildfires are steadily reducing the West's gains in air quality improvement. Smoke from wildfires can cause air quality to exceed the NAAQS for particulate matter and ozone, impacting public health, safety and transportation. Prescribed fire, which is managed according to state SIPs and smoke management programs, can reduce these impacts, but is currently underutilized.
19. Western Governors support the use of prescribed fire to reduce the air quality impacts from uncharacteristic wildfire in the West. Federal and state land managers should have the

ability to use prescribed fires when weather and site conditions are appropriate and air quality impacts are minimized.

20. Prescribed fire practices should include smoke management planning coordinated between state land managers, state air agencies, state health departments, EPA, other federal agencies, and federal land managers. State or regional prescribed fire councils can help facilitate this coordination.
21. Western Governors call on EPA and federal land managers to improve existing tools and create additional tools for states to encourage prescribed fire. These should include simplified exceptional events guidance for prescribed fire, and tools to address the air quality impacts from wildfire in the West.

Methane Emissions

22. Oil and gas operations are an important economic activity in the West, and western states regulate these operations through comprehensive programs. Methane is also a potent greenhouse gas emitted from a variety of sources, including oil and gas operations, coal mines, landfills, agriculture, and natural sources. There are environmental and economic benefits of reducing methane emissions and opportunities for the beneficial use of this natural resource.
23. Many western states – in cooperation with industry in those states – have already implemented regulatory strategies that reduce methane emissions from oil and gas operations, while expanding the use and sale of methane.
24. In any federal methane regulation, federal agencies should: (1) ensure that the capture, commoditization, and sale of methane is promoted; (2) give states the flexibility to integrate a variety of technologies and tools to achieve methane emission reduction standards; (3) recognize methane emissions reductions that result from existing state regulation of volatile organic compounds; and (4) work with states to ensure the consistent use of a single, clear method of quantifying methane emissions.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.