



# **Overview of Elements for the Regional Haze Second Planning Period State Implementation Plan Progress Reports Due in 2025**

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## **Note:**

The Regional Haze Rule, codified at 40 CFR 51.308, is the regulatory source for progress reports. The U.S. Environmental Protection Agency (EPA) developed this document to assist with preparing the progress reports for the Second Planning Period regional haze state implementation plans (SIPs). This document is intended to summarize and clarify the requirements for the progress reports due in 2025. However, this document is not considered binding; it does not impose any requirements on any party, and it is no substitute for any statutory requirements or regulatory requirements. It is, therefore, not a final agency action and is not judicially reviewable.

## I. Executive Summary

The Environmental Protection Agency's (EPA) Regional Haze Rule (RHR) directs all states, the District of Columbia, and the U.S. Virgin Islands<sup>1</sup> to submit progress reports on January 31, 2025, July 31, 2033, and every 10 years thereafter.<sup>2</sup> The regulatory requirements for the progress reports are included in 40 CFR 51.308 (g) and (h). In the Second Planning Period, progress reports serve as a method for states to provide an update on the implementation of measures within the latest SIP revision, which was due to the EPA on July 31, 2021. The progress reports due January 31, 2025, are not formal state implementation plan (SIP) revisions and do not have to meet the procedural requirements of a SIP revision in 40 CFR 51.102 and 40 CFR 103.<sup>3</sup> The preamble to the EPA's 2017 RHR provides further detail regarding the background of the progress reports in the Second Planning Period.<sup>4</sup>

This document was developed to assist states in the development of the Second Planning Period progress reports due January 31, 2025. **Section I – Executive Summary** provides a high-level overview of the EPA's recommendations for how states can meet the regulatory requirements of 40 CFR 51.308 (g), (h), and (i). **Section II – Requirements Checklist** provides a quick rundown of progress report elements for states to ensure they have included the necessary elements in their submittal to the EPA. **Section III – Procedural Requirements** provides additional narrative concerning public comment under 40 CFR 51.308(g) and Federal Land Manager (FLM)

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<sup>1</sup> This requirement does not apply to other U.S. territories defined as "states" under the Clean Air Act (CAA) because they do not have mandatory Class I Federal areas and are too distant from any such areas to affect them.

<sup>2</sup> See 51.308(g).

<sup>3</sup> See 40 CFR 51.308(g). 40 CFR 51.103 requires an official plan submission to conform to the requirements of Appendix V to Part 51. Since the progress report due in January 2025 does not have to comply with 51.103, it also does not have to comply with the requirements of Appendix V to Part 51.

<sup>4</sup> 82 FR 3078 (January 10, 2017).

consultation requirements under 40 CFR 51.308(i). **Section IV – Progress Report Elements** contains additional narrative and a description of each required element of a progress report under 40 CFR 51.308(g).

#### *Procedural Requirements*

- **40 CFR 51.308(i) – Federal Land Manager (FLM) Consultation:** States must make the draft progress report available to the FLMs no less than 60 days prior to the state’s public comment period. States must also include a description in the draft progress report of how states addressed FLM comments after the consultation period.
- **40 CFR 51.308(g) – Public Comment Period:** The draft progress report must be made available for public comment (consistent with the state’s public comment process) for at least 30 days. All comments received from the public must be submitted to the EPA, along with an explanation of any changes made to the report in response to public comment, upon final submission.

#### *Progress Report Elements*

- **40 CFR 51.308(g)(1) – Status of Control Strategies in the Regional Haze SIP:** States should provide a status update of *all* federal and state control measures, which were relied upon for reasonable progress to address regional haze at Class I areas both within and outside of the state during the period of 2019 to the most recent year prior to submittal of the report.<sup>5</sup>

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<sup>5</sup> If a First Planning Period measure continues to be implemented in the Second Planning Period, the state should include the measure in meeting the requirements of 40 CFR 51.308(g)(1).

- **40 CFR 51.308(g)(2) – Emissions Reductions from Regional Haze SIP Strategies:** States should identify and estimate the emissions reductions to date from the period of 2019 to the most recent year in visibility-impairing pollutants from the SIP measures discussed under 40 CFR 51.308(g)(1).
- **40 CFR 51.308(g)(3) – Visibility Progress:** This section only applies to states with Class I areas within their borders. States can satisfy this requirement by referencing the relevant IMPROVE data and offering a conclusion about the visibility conditions/changes for the Class I areas within the state. Due to the technical nature of the requirements under 40 CFR 51.308(g)(3)(i)(B), (g)(3)(ii)(B), and (g)(3)(iii)(B), states should read *Section IV.C. – Visibility Progress* for further detail.
- **40 CFR 51.308(g)(4) – Emissions Progress:** States should provide an analysis tracking changes in emissions of visibility-impairing pollutants across the state’s entire emissions inventory. The beginning year period of the emissions tracking analysis should be the emissions data cited in the Second Planning Period SIP, which in most cases was the 2017 NEI data (plus more recent data for large point sources).
- **40 CFR 51.308(g)(5) – Assessment of Changes Impeding Visibility Progress:** To meet this requirement, states must report whether or not anticipated significant Second Planning Period SIP emissions changes have occurred. The EPA expects states to consider the emissions information the state relied upon to determine the emissions reductions measures necessary for reasonable progress under 40 CFR 51.308(f)(2)(iii).
- **40 CFR 51.308(g)(6) – Assessment of Current Strategy:** States should evaluate both the ambient data and emissions trends to determine if the state’s Class I areas and/or Class I

areas affected by emissions from the state (as identified in the SIP) are expected to meet their 2028 reasonable progress goals. To do so, states should compare the most recent ambient data (generally anticipated to be the 5-year period 2018-2022) to the 2028 reasonable progress goals.

- **40 CFR 51.308(g)(8) – Long-Term Strategies Containing Smoke Management Programs (SMPs):** If the state’s long-term strategy includes a smoke management program that is permanent and federally-enforceable within the SIP *and* the smoke management program includes a periodic assessment, states should provide a simple summary of the outcome of the smoke management program as applied to the long-term strategy.
- **40 CFR 51.308(h) – Determination of Adequacy:** This section requires a determination of adequacy for the current implementation plan in the Second Planning Period. States must take **one** of the following actions under 40 CFR 51.308(h) based on the information on emissions and ambient data and trends contained in the Second Planning Period progress report.

## II. Requirements Checklist

The following checklist provides a summary of regulatory citations and requirements. The EPA intends to use this checklist when reviewing the Second Planning Period progress reports for completeness. States may also find this checklist useful when developing their Second Planning Period progress reports.

<b>Checklist for Progress Reports Submitted under 40 CFR 51.308(g) – (h) and 40 CFR 51.308(i)</b>				
<b>Y/N</b>	<b>Regulation Citation (40 CFR)</b>	<b>Regulation Summary (not verbatim)</b>	<b>Location in Progress Report</b>	<b>Comments</b>
<b>Report Requirements</b>				
	51.308(i)	Consultation with FLMs: Did the state provide documentation of and address all comments made by the FLMs from the consultation period, which must take place no less than 60 days prior to the public hearing or public comment opportunity? <i>(all states)</i>		
	51.308(g)	Public Inspection and Comment: Was the draft report made available for public inspection and comment for at least 30 days prior to submission to the EPA? Does the report contain all comments received from the public? If the public comments received resulted in changes made to the progress report, does the report contain an explanation as to why changes were made? <i>(all states)</i>		
	51.308(g)(1)	Status of Control Measures in the RH SIP: Does the report contain a list of all measures the state relied upon in the Second Planning Period? <i>(all states)</i>		
	51.308(g)(2)	Emissions Reductions from RH SIP Strategies: Does the report include estimated emissions reductions from the measures provided under (g)(1)? <i>(all states)</i>		
	51.308(g)(3)	Visibility Progress: Does the report contain a summary of monitored visibility data as required by the RHR? <i>(only states with CIAs)</i>		
	51.308(g)(4)	Emissions Progress: Does the report provide an analysis of emissions trends as applicable to the current period? <i>(all states)</i>		

	51.308(g)(5)	Assessment of Changes Impeding Visibility Progress: Does the report contain an assessment of and statement if anthropogenic emissions have impeded visibility progress? <i>(all states)</i>		
	51.308(g)(6)	Assessment of Current Strategy: Does the report assess whether current implementation plan strategies are sufficient to meet the RPGs described in the SIP? <i>(all states)</i>		
	51.308(g)(8)	Long-Term Strategy Containing a Smoke Management Program: Does the report address the smoke management program's impact on the LTS? <i>(states with a LTS containing a permanent and federally enforceable smoke management program <b>that also</b> contains a periodic assessment element of the SMP)</i>		
	51.308(h)	Determination of Adequacy: Does the report determine the adequacy of the current implementation of measures incorporated into the SIP? <i>((h)(1) and (h)(4) = all states, (h)(2) and (h)(3) = available to states with CIAs)</i>		



### III. Procedural Requirements – Public Comment and Consultation with the Federal Land

#### **Managers.** Section 40 CFR 51.308(g) and 40 CFR Sections 51.308(i)(2) and (3)

*Each State identified in § 51.300(b) must periodically submit a report to the Administrator evaluating progress towards the reasonable progress goal for each mandatory Class I Federal area located within the State and in each mandatory Class I Federal area located outside the State that may be affected by emissions from within the State. The first progress reports must be in the form of implementation plan revisions that comply with the procedural requirements of [§ 51.102](#) and [§ 51.103](#). Subsequent progress reports are due by January 31, 2025, July 31, 2033, and every 10 years thereafter. Subsequent progress reports must be made available for public inspection and comment for at least 30 days prior to submission to EPA and all comments received from the public must be submitted to EPA along with the subsequent progress report, along with an explanation of any changes to the progress report made in response to these comments. Periodic progress reports must contain at a minimum the following elements:*

Draft progress reports must be available for public comment (consistent with the state's public comment process) for at least 30 days and draft progress reports must be made available for FLM consultation no less than 60 days prior to the state public comment period.<sup>6</sup> Finally, the state must include a description of how it addressed any comments provided by the FLMs during the consultation period in the draft report.<sup>7</sup> All comments received from the public must also be submitted to the EPA, along with an explanation of any changes to the progress report made in response to these comments, upon final submission to the EPA.<sup>8</sup>

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<sup>6</sup> See generally 82 FR 3078, 3120, January 10, 2017; See also 40 CFR 51.308(g) and 40 CFR 51.308(i)(2) for specific rule requirements for this section.

<sup>7</sup> 40 CFR 51.308(i)(3)

<sup>8</sup> 40 CFR 51.308(g)

#### **IV. Progress Report Elements**

##### *A. Status of Control Strategies in the Regional Haze SIP. Section 40 CFR 51.308(g)(1)*

*A description of the status of implementation of all measures included in the implementation plan for achieving reasonable progress goals for mandatory Class I Federal areas both within and outside the State.*

One way states can meet this requirement is to identify the control measures in the state's regional haze SIP that apply to sources that were relied on to meet the requirements of the regional haze program. This includes: a) all federal and state measures which continue to be relied upon for reasonable progress from the First and in the Second Planning Periods, and b) the status of all measures determined to be necessary for reasonable progress in the first and second periods to address regional haze at Class I areas both within and outside the state. The period addressed under this requirement should be from 2019 to the most recent year prior to submittal of the report.<sup>9</sup>

States could include and describe the control measures for the sources and/or source category or categories that the state regulated for purposes of the regional haze program for Class I areas both within and outside of the state in meeting this requirement. Within the progress report, states could focus on a targeted evaluation of important control measures that achieve reductions in the visibility-impairing pollutant species evaluated in the implementation plan where data is readily available (states may choose to include additional pollutant species at their discretion). Specifically, this category of measures relates to those new and existing SIP measures resulting from a four-factor analysis or demonstrated to have existing, effective

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<sup>9</sup> 2019 to the most recent year prior to the submittal of the progress report addresses the implementation of controls during the Second Planning Period (which runs from 2018 to 2028).

controls, and to any measures adopted to eliminate sources from source selection. If a measure was evaluated but was not included in the SIP, we do not expect the report to list it to address the requirement in this paragraph. States should include a description of new and existing emissions limits or control measures implemented in the current period that were determined to be necessary for reasonable progress, as well as a description of limits or control measures that continue to be implemented from the First Planning Period. States should also include discussion of whether the applicable compliance date has been met for each source regulated by the state's haze SIP.

The EPA acknowledges that some sources previously determined to be subject to BART have shut down or been retired or have near-term anticipated retirement dates. Thus, it may be helpful (although not specifically required by the regulations) for the progress report to include a qualitative discussion of noteworthy changes in source activity that might help inform trends in visibility over the period addressed in the progress report.<sup>10</sup>

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<sup>10</sup> Noteworthy changes in source activity may include events such as enforcement settlements, new large source retirements or shutdowns, changes in patterns of fuel use, growth or decline in particular industries, state regulations enacted after the development of the haze SIP, and/or similar activities or occurrences.

*B. Emissions Reductions from Regional Haze SIP Strategies. 40 CFR Section 51.308(g)(2)*

*A summary of the emissions reductions achieved throughout the state through implementation of the measures described in paragraph (g)(1) of this section.*

To meet this requirement, states may identify and estimate emissions reductions to date in visibility-impairing pollutants from the SIP measures discussed above under 40 CFR 51.308(g)(1) in their progress report. The discussion under 40 CFR 51.308(g)(2) can focus on measures implemented in the current period but should include all measures relied upon by the state under 40 CFR 51.308(g)(1) to achieve reasonable progress towards the national visibility goal regardless of whether the measures were in place before or after 2019. Thus, the period addressed under this requirement should be 2019 to the most recent year.<sup>11</sup> This requirement's objective is for the state to demonstrate how emissions reduction measures have improved visibility at the Class I areas impacted by emissions from the state. The progress report should identify or quantify emissions reductions for any species of pollutant the state evaluated in their SIP submittal if the emissions data are readily available to the state. States should only use data that is readily available to them. The EPA does not expect states to quantify emissions reductions for measures which have yet to be implemented or for which the compliance date has not yet been reached. If applicable, these measures should be addressed in the "status of measures" discussion under section 40 CFR 51.308(g)(1). If a measure is listed as a relied upon measure under 40 CFR 51.308(g)(1), a detailed quantification may not be required for each measure under 40 CFR 51.308(g)(2). For example, this may not be necessary if a given measure is a relatively small contributor to the overall "emissions reductions achieved throughout the state through

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<sup>11</sup> 2019 to the most recent year prior to the submittal of the progress report addresses the implementation of controls during the Second Planning Period (which runs from 2018 to 2028).

implementation of the measures.”

If EGU emissions strategies are a part of the measures described under 40 CFR 51.308(g)(1), the progress reports should identify sources reporting to the EPA’s Clean Air and Power Division (CAPD). The report should also discuss emissions trends for the state using the latest information available from the CAPD “Clean Air Markets Program Data” website: <https://campd.epa.gov/>. We note that CAPD data for purposes of quantifying these emissions trends will generally be available for a more recent year than the year associated with the comprehensive emissions inventory under 40 CFR 51.308(g)(4), which is discussed on page 17.

C. Visibility Progress. Section 51.308(g)(3)

*For each mandatory Class I Federal area within the State, the State must assess the following visibility conditions and changes, with values for most impaired, least impaired and/or clearest days as applicable expressed in terms of 5-year averages of these annual values. The period for calculating current visibility conditions is the most recent 5-year period preceding the required date of the progress report for which data are available as of a date 6 months preceding the required date of the progress report.*

Section 51.308(g)(3) applies only to states with Class I areas within their borders.<sup>12</sup>

Because the IMPROVE monitoring network includes data that generally provides the visibility information required by this section, states can satisfy this requirement by referencing the relevant IMPROVE data and offering a conclusion about the visibility conditions/changes for the Class I areas within the state.<sup>13</sup>

*51.308(g)(3)(i)(B): Progress reports due on and after January 31, 2025. The current visibility conditions for the most impaired and clearest days;*

According to the RHR, the “most impaired days” and “clearest days” refer to the average visibility impairment (measured in deciviews) for the 20 percent of monitored days in a calendar year with the highest and lowest amount of anthropogenic visibility impairment, respectively, averaged over a 5-year period. For the reports due on January 31, 2025, states should use the 5-year average IMPROVE data for the 20 percent most impaired and 20 percent clearest days made available as of July 31, 2024 (6 months preceding January 31, 2025). Based on current reporting schedules, this will be the 2018-2022 5-year average data. The annual IMPROVE data are typically released between October to December of the year following the data collection year. Therefore,

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<sup>12</sup> See <https://www.epa.gov/visibility/list-areas-protected-regional-haze-program> for a complete list of states containing Class I areas protected by the EPA’s Regional Haze Program.

<sup>13</sup> See <https://vista.cira.colostate.edu/Improve/rhr-summary-data/> for the RHR IMPROVE data summaries.

the 2022 annual data released in October 2023 are expected to be the most recent iteration of the publicly available data as of July 31, 2024.

*51.308(g)(3)(ii)(B): Progress reports due on and after January 31, 2025. The difference between current visibility conditions for the most impaired and clearest days and baseline visibility conditions;*

The report should calculate the difference between “current visibility conditions for the most impaired days,” “current visibility conditions for the clearest days,” and “baseline visibility conditions.” As defined above with respect to 40 CFR 51.308(g)(3)(i)(B), the “current visibility conditions for the most impaired days” and the “current visibility conditions for the clearest days” refers to the 20 percent most impaired and clearest days respectively for the 5-year average during the “current” 2018-2022 period. “Baseline visibility conditions” refers to conditions during the 2000-2004 5-year time period.<sup>14</sup> Baseline visibility conditions must be calculated, using the available monitoring data, by establishing the average degree of visibility impairment for the most and least impaired days for each calendar year from 2000 to 2004. The baseline visibility conditions are the average of these annual values. States should use the baseline values including in the Second Planning Period SIPs.<sup>15</sup>

*51.308(g)(3)(iii)(B): Progress reports due on and after January 31, 2025. The change in visibility impairment for the most impaired and clearest days over the period since the period addressed in the most recent plan required under paragraph (f) of this section.*

The language under 40 CFR 51.308(f)(3)(iii), “the most recent period addressed in the

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<sup>14</sup> See 40 CFR 51.308(f)(1)(i).

<sup>15</sup> See also Memorandum from Richard A. Wayland, Director, Air Quality Assessment Division, “Recommendation for the Use of Patched and Substituted Data and Clarification of Data Completeness for Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program” (Jun. 3, 2020, available at: [https://www.epa.gov/sites/default/files/2020-06/documents/memo\\_data\\_for\\_regional\\_haze\\_0.pdf](https://www.epa.gov/sites/default/files/2020-06/documents/memo_data_for_regional_haze_0.pdf) (recommending baseline visibility values).

most recent plan required under paragraph *f* of this section,” refers to the Second Planning Period. Therefore, for the progress reports due on January 31, 2025, states should address the difference in visibility between the most-recent 5-year period included in the Second Planning Period SIP and the most recent “current data” (2018-2022) used to satisfy 40 CFR 51.308(g)(3)(i)(B) and 40 CFR 51.308(g)(3)(ii)(B).

SIPs have been submitted over many years during the Second Planning Period. This includes SIPs submitted well before the SIP due date of July 2021 (submitted as early as 2019) and some that have yet to have been submitted as of early 2024. The most recent 5 years of ambient data available when the first SIPs were submitted (such as New York, the District of Columbia, and New Jersey) may have been as old as 2013-2017 data, whereas SIPs submitted in 2023 may have utilized data from 2017-2021. The RHR states, “the most recent period addressed in the most recent plan,” which refers to the SIP submitted during the Second Planning Period. Therefore, while current data will not vary (2018-2022), the “period” addressed in the Second Planning Period SIP will vary depending on the submittal date of the Second Planning Period SIP.

If a state submits a progress report after the January 2025 due date, it may be appropriate for the state to use more recent ambient data to satisfy 40 CFR 51.308(g)(3)(iii)(B). The EPA encourages states to use their best judgement in determining the appropriate ambient data, but also encourages states that fall under this category to reach out to their Regional office contacts with questions regarding late submittals.



*D. Emissions Progress. Section 51.308(g)(4)*

*An analysis tracking the change over the period since the period addressed in the most recent plan required under paragraph (f) of this section in emissions of pollutants contributing to visibility impairment from all sources and activities within the State. Emissions changes should be identified by type of source or activity. With respect to all sources and activities, the analysis must extend at least through the most recent year for which the state has submitted emission inventory information to the Administrator in compliance with the triennial reporting requirements of subpart A of this part as of a date 6 months preceding the required date of the progress report. With respect to sources that report directly to a centralized emissions data system operated by the Administrator, the analysis must extend through the most recent year for which the Administrator has provided a State-level summary of such reported data or an internet-based tool by which the State may obtain such a summary as of a date 6 months preceding the required date of the progress report.*

To address this requirement, states can provide an analysis tracking changes in emissions of visibility-impairing pollutants across the state's entire inventory. In doing so, the state should directly cite what recent emissions data and data sources are being used to meet these requirements. The EPA does not expect states to independently develop a new emissions inventory or new modeling for this purpose. The beginning year period of the emissions tracking analysis should be the emissions data cited in the Second Planning Period SIP, which in most cases was the 2017 national emissions inventory (NEI) data plus more recent data for large point sources. It may be necessary to use a mixture of data for years ranging from 2020-2023 to represent the ending year of the emissions tracking analysis period based on rule requirements. States should generally use the most recent, publicly available NEI data – which in this case is 2020 – as the ending year of the emissions tracking analysis period. However, more recent annual data must be used for EGUs greater than 25 megawatts that burn fossil fuels, since these data are “reported directly to a centralized emissions data system operated by the Administrator.” The CAPD continuous emissions monitoring system (CEMS) data for EGUs may be used to meet

this aspect of this rule provision. At a minimum, the progress reports must include EGU emissions data through 2023, which is the latest EGU data from CAPD available 6 months preceding the required due date of the progress report in January of 2025. This is the emissions data that will be available “as of a date 6 months preceding the required date of the progress report”. However, states may optionally use more recent emissions data as it becomes available.

Because reductions in emissions (especially SO<sub>2</sub> and NO<sub>x</sub>) from point sources in the Second Planning Period are generally critical elements of each state’s regional haze long-term strategy, the progress reports should identify sources reporting to the CAPD and discuss emissions trends for the state using the latest information available from the CAPD “Clean Air Markets Program Data” website: <https://campd.epa.gov/>. We note that CAPD data for purposes of quantifying these emissions trends will generally be available for a more recent year than the year associated with the comprehensive emissions inventory under 40 CFR 51.308(g)(4). The emissions data can be disaggregated into generally the same source sub-categories as was used to satisfy the emissions reporting requirements for the Second Planning Period SIPs (see 40 CFR 51.308(f)(2)(iii)).

*E. Assessment of Changes Impeding Visibility Progress. Section 51.308(g)(5)*

*An assessment of any significant changes in anthropogenic emissions within or outside the State that have occurred since the period addressed in the most recent plan required under paragraph (f) of this section including whether or not these changes in anthropogenic emissions were anticipated in that most recent plan and whether they have limited or impeded progress in reducing pollutant emissions and improving visibility.*

The evaluation period described under 40 CFR 51.308(g)(5) is determined by: (1) when the Second Planning Period SIP was submitted and (2) the date of the most recent emissions and ambient data cited within the Second Planning Period SIP. The EPA anticipates that states will use readily available data to address this requirement rather than to conduct a new emissions inventory collection or air quality modeling. This rule requirement aims to assess whether any significant emissions changes have occurred within the state over the period since the second SIP revision was submitted, and, to the extent known, whether emissions increases outside of the state are adversely affecting a Class I area within the state. All states should evaluate the anthropogenic emissions within their state when meeting the requirements under 40 CFR 51.308(g)(5). To the extent they are known, states with Class I areas may also wish to identify significant changes in anthropogenic emissions that have occurred outside their state. This evaluation would assist states with Class I areas in identifying significant emissions changes that could limit or impede progress at their in-state Class I areas.

To assess any significant changes in emissions over the period since the Second Planning Period SIP was submitted, the EPA recommends that states to consider the emissions information the state relied upon to determine the emissions reductions measures necessary for reasonable progress under 40 CFR 51.308(f)(2)(iii). This will help the state evaluate the adequacy of the SIP in meeting the CAA visibility improvement goals. In addition, the EPA clarifies that a “significant

change” that can “limit or impede progress” could be either: (1) a significant unexpected increase in anthropogenic emissions that occurred since the submittal of the Second Planning Period SIP *and* was not originally projected in the SIP modeling analysis or (2) a significant expected reduction in anthropogenic emissions that *did not occur* as previously explained within the Second Planning Period SIP. Thus, it would be helpful for states to report upon whether these “significant changes” were anticipated in the most recent SIP submittal, given that this would assist the FLMs, the public, and the EPA in understanding the significance of any change in emissions for the adequacy of the SIP in achieving visibility improvement goals at Class I areas. The EPA also reiterates that this provision applies to all states, irrespective of whether a state contains one or more Class I areas. The EPA also notes that changes in wildfires are not a “change” to report under Section 51.308(g)(5).

*F. Assessment of Current Strategy. Section 51.308(g)(6)*

*An assessment of whether the current implementation plan elements and strategies are sufficient to enable the State, or other States with mandatory Class I Federal areas affected by emissions from the State, to meet all established reasonable progress goals for the period covered by the most recent plan required under paragraph (f) of this section.*

This requirement can be fulfilled with an assessment as to whether Class I areas affected by the state (both within the state and in other states) are on track to meet their 2028 reasonable progress goals, to the extent known by the state. The EPA expects this analysis can be conducted using the emissions and ambient data information developed to satisfy the progress report requirements in 51.308(g)(1) to (g)(5), as described above.<sup>16</sup> A state is not required to look forward to address visibility conditions beyond the end of the current planning period ending in 2028.<sup>17</sup>

To address the requirements under 40 CFR 51.308(g)(6), states should evaluate both the ambient visibility monitoring data and emissions trends to determine if the state's Class I areas and/or Class I areas affected by emissions from the state (as identified in the Second Planning Period SIP) are expected to meet their 2028 reasonable progress goals. To address visibility trends, states should evaluate the most recent visibility monitoring ambient data (which will likely be 2018-2022 IMPROVE data, or more recent data if available) and compare the applicable ambient data to evaluate ongoing visibility trends. In addition to this discussion, states could also evaluate the most recent annual average ambient data to evaluate ongoing visibility trends.<sup>18</sup>

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<sup>16</sup> Emissions and visibility trends and other readily available information may also assist states in developing this assessment.

<sup>17</sup> See generally 82 FR 3078 (January 10, 2017)

<sup>18</sup> The single most recent year or years of ambient visibility data may help reveal accelerating or decelerating trends which may not be obvious from a 5-year average of IMPROVE monitoring data on the 20 percent clearest

Emissions trends information developed in support of the progress report requirements in 40 CFR 51.308(g)(2), (g)(4), and (g)(5) can also be used to help evaluate the current plan elements and strategies. In this discussion, states could also address the measures and expected emissions reductions for measures with recent compliance dates and/or with compliance dates that have not yet become effective as of submitting the second progress report.

Furthermore, the report should list each Class I area affected by sources in the state as identified in the Second Planning Period SIP. For those areas, the report should assess qualitatively whether the emissions and visibility trends in the state suggest any deficiencies in the state's regional haze SIP that will affect achievement of the reasonable progress goals for those out-of-state Class I areas. There is also a forward-looking component to this section, requiring a qualitative assessment of progress expected by the end of 2028, *but not beyond 2028*. For example, the state should discuss measures and expected emissions reductions for measures with compliance dates that have not yet become effective.

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and 20 percent most impaired days. Additionally, Second Planning Period controls and expected emissions reductions may not have occurred or been in place near the beginning of the planning period.

*G. Long-Term Strategies Containing Smoke Management Programs. Section 51.308(g)(8)*

*For a state with a long-term strategy that includes a smoke management program for prescribed fires on wildland that conducts a periodic program assessment, a summary of the most recent periodic assessment of the smoke management program including conclusions if any that were reached in the assessment as to whether the program is meeting its goals regarding improving ecosystem health and reducing the damaging effects of catastrophic wildfires.*

40 CFR 51.308(g)(8) triggers an additional requirement if the state's long-term strategy includes a smoke management program that is permanent and federally enforceable within the SIP *and* if the smoke management program includes a periodic assessment.<sup>19</sup> In these limited circumstances, the state should submit a summary of the outcome of the smoke management program as applied to the long-term strategy. For example, if the state had a goal to burn 20,000 acres per year using wildland prescribed fires to reduce the effects of wildfires, the state should describe if this goal was achieved in recent years (2022, 2023, etc.). The EPA appreciates that the prescribed fire goals may be achieved by a combination of state, private, and/or federal burners. States have discretion to provide relevant information related to these considerations in the progress report.

A state with a smoke management program that is *not* federally enforceable in the SIP, but includes a periodic assessment, is not required to include a summary of the program assessment. However, a smoke management program assessment may be informative, and the state is encouraged to optionally include a summary of the assessment as part of the progress report.

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<sup>19</sup> A "periodic assessment" is a program evaluation element. Therefore, the periodic assessment for a smoke management program will include conclusions that were reached in the assessment as to whether the program is meeting its goals regarding improving ecosystem health and reducing the damaging effects of catastrophic wildfires. See 82 FR 3078, generally, for more details.

#### *H. Determination of Adequacy. Section 51.308(h)*

This section requires states to make a determination of adequacy for the Second Planning Period SIP revision. The requirement under 40 CFR 51.308(h) (provided below in *italics*) directs states to take **one** of the following actions based on the information on emissions and ambient data and trends contained in the Second Planning Period progress report. The EPA's narrative is presented after the regulatory text.

*(h) At the same time the State is required to submit any progress report to EPA in accordance with paragraph (g) of this section, the State must also take one of the following actions based upon the information presented in the progress report:*

*(1) If the State determines that the existing implementation plan requires no further substantive revision at this time in order to achieve established goals for visibility improvement and emissions reductions, the State must provide to the Administrator a declaration that revision of the existing implementation plan is not needed at this time.*

*(2) If the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another State(s) which participated in a regional planning process, the State must provide notification to the Administrator and to the other State(s) which participated in the regional planning process with the States. The State must also collaborate with the other State(s) through the regional planning process for the purpose of developing additional strategies to address the plan's deficiencies.*

*(3) Where the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources in another country, the State shall provide notification, along with available information, to the Administrator.*

*(4) Where the State determines that the implementation plan is or may be inadequate to ensure reasonable progress due to emissions from sources within the State, the State shall revise its implementation plan to address the plan's deficiencies within one year.*

All states have the option to make a determination regarding the adequacy of the current implementation plan under 40 CFR 51.308(h)(1) or (h)(4). States with Class I areas may instead



make a determination of the adequacy of the current implementation plan under 40 CFR 51.308(h)(2) or (h)(3).

Under 40 CFR 51.308(h)(2) or (h)(3), states with Class I areas may determine that their Second Planning Period SIP is inadequate due to emissions from sources in other states [(h)(2)] or countries [(h)(3)] that may be impeding the achievement of the 2028 reasonable progress goals in the state's own Class I areas. In the case of (h)(2), and outside of the process for submitting the progress reports to EPA, states with Class I areas must also make notifications to the other state(s) and the EPA Administrator. If (h)(2) is selected, the state making the inadequacy determination must also begin a process to collaborate with the other state(s) through the regional planning process to develop additional strategies to address the plan's deficiencies. In the case of (h)(3), and outside of the process for submitting the progress reports to the EPA, states with Class I areas must also make notifications to the EPA Administrator.

Finally, the EPA envisions (h)(4) as applying to scenarios where a state's control measures in the haze SIP are not being implemented or are being implemented in a way that achieves less emissions and visibility improvement progress than estimated in the approved SIP. If a state elects to submit its declaration under (h)(4), the state is required to revise its SIP to address the plan's deficiencies within 1 year.