

Ohio Regional Haze State Implementation Plan Supplement- Technical Comments

The USDA Forest Service offers the following comments on Ohio's Regional Haze State Implementation Plan Supplement. These comments are specific to the FLM consultation period. Comments related to the SIP draft have remained unchanged. They can be found in Appendices L1 and L2 of the second round SIP.

Consultation for Federal Land Managers

The USDA Forest Service did not have an opportunity to consult with Ohio before the SIP Supplement went to public notice. We interpret the regulatory requirement for FLM consultation to be a 60-day consultation period prior to any public comment opportunity. More specifically, 40 CFR 51.308(i)(2) states that, "The opportunity for consultation on an implementation plan (or plan revision) or on a progress report must be provided no less than 60 days prior to said public hearing or public comment opportunity." We interpret the supplement to be a plan revision, as this information would be added to the existing SIP and was not available during the first submittal.

To remedy this, Ohio EPA opened a 45-day FLM consultation period to run concurrently with the public comment period. Ohio EPA intends to make our comments and their potential responses to those comments available and extend the public comment period by 2 weeks following the posting of the FLM comments. While the USDA Forest Service appreciates the effort to create an opportunity for FLM consultation, we do not feel that this satisfies the Regional Haze requirements.

In addition to 40 CFR 51.308(i)(2), we also believe of 42 U.S.C §7491 (d) will not be satisfied by this concurrent comment period. 42 U.S.C §7491 (d) states, "Before holding the public hearing on the proposed revision of an applicable implementation plan to meet the requirements of this section, the State (or the Administrator, in the case of a plan promulgated under section 7410(c) of this title) shall consult in person with the appropriate Federal land manager or managers and shall include a summary of the conclusions and recommendations of the Federal land managers in the notice to the public." Again, we interpret the supplement to be a plan revision, and thus believe that FLMs should have been consulted before the public notice so that our recommendations could be summarized and shared with the public.

Emission Limits

In the SIP supplement, emission limits are proposed for General James M. Gavin Power Plant, Cardinal Power Plant and Ohio Valley Electric Corp., Kyger Creek Station. While the USDA Forest Service acknowledges the proposed emission limits, we believe them to be inconsequential. Each of the 3 facilities have had actual emissions well below the proposed emission limits since at least 2019. Given this, the proposed emissions limits appear to have no effect on the current level of emissions from these plants and will therefore lead to no improvements in visibility in our Class I areas.