



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUL 1 9 2000

Honorable Carol M. Browner
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Rm 3000
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: Request for Rulemaking to Restore and Protect Air Quality Related Values in National Parks and Wilderness Areas

Dear Ms. Browner:

The purpose of this letter is to request the Environmental Protection Agency (EPA) to initiate a rulemaking proceeding to enhance air quality in national parks and wilderness areas in order to protect resources and values that are being adversely affected by air pollution. In October 1996, EPA recognized the need to address adverse impacts on air quality related values (AQRVs) in Federal Class I areas (i.e., national parks and wilderness areas) from both new and existing sources of pollution. EPA also acknowledged that the Clean Air Act provides legal authority to initiate a rulemaking to require protection of AQRVs. At that time, EPA committed to proposing a rule that would recognize the affirmative obligation of states to protect AQRVs and provide a regulatory mechanism for EPA to require states to revise their state implementation plans (SIPs) to mitigate adverse effects. See enclosed letter. Because of other pressing business, EPA has not embarked on the promised rulemaking.

As the Federal Land Manager (FLM) for Class I areas administered by the U.S. Department of the Interior, the Assistant Secretary for Fish and Wildlife and Parks has an affirmative responsibility to protect AQRVs from the adverse impacts of air pollution. Park Superintendents and Refuge Managers with responsibility for wilderness wildlife refuge areas (as the Federal officials charged with direct responsibility for management of Class I areas) share this responsibility. Other legislation related to management of federal lands administered by the National Park Service (NPS) and Fish and Wildlife Service (FWS) establishes similar duties to protect resources in a natural or unimpaired condition consistent with the high public value of our national parks, wilderness areas, and wildlife refuges (e.g., NPS Organic Act of 1916, Wilderness Act, National Wildlife Refuge System Improvement Act). We take these responsibilities very seriously. We have documented that AQRVs are being adversely affected by air pollution at numerous national parks and wilderness areas (e.g., acidification of streams, surface waters, and/or soils at Shenandoah, Sequoia, and Great Smoky Mountains National Parks (NPs); eutrophication of coastal waters in Chassahowitzka National Wildlife Refuge; visibility impairment in all parks and wildernesses; and foliar injury from ozone at a number of parks and wildernesses, including Great Smoky Mountains, Shenandoah, Sequoia, and Yosemite NPs, and Cape Romain and Mingo National Wildlife Refuges). In other areas, we strongly suspect that

resources are or may soon be damaged by air pollution (e.g., increasing nitrate deposition at Rocky Mountain NP, where episodic acidification already occurs; possible symptoms of ozone injury detected at some parks in the Colorado Plateau region with increasing ozone levels at other nearby park units). We cannot carry out our stewardship responsibilities unless EPA provides the states the regulatory tools they need to adequately protect AQRVs and mitigate adverse impacts as part of their SIPs. Therefore, we ask that you initiate action on this AQRV "Restoration and Protection" rulemaking as soon as possible. As evidenced by the enclosed letter, EPA has already acknowledged its authority to adopt the requested rule, and we have enclosed a list of pertinent Clean Air Act provisions in the hope of expediting action.

We understand that EPA is currently reviewing a petition for rulemaking submitted by several northeastern states. This petition calls upon EPA to promulgate secondary National Ambient Air Quality Standards (NAAQS) for various criteria pollutants. The petition cites many of the same welfare effects that we are concerned about in our national parks and wilderness areas (i.e., visibility, acid deposition, and ozone). Therefore, we support the petition as one approach to help mitigate the adverse air quality impacts in our units. However, as EPA responds to the petition, we ask that you consider our proposed approach of using the PSD provisions of the Clean Air Act as an alternate, and we believe preferable, way to address issues related to air quality in our parks and wilderness areas.

The AQRV Restoration and Protection Rule, once adopted, will provide a foundation for mitigating environmental resource damage caused by air pollution after adverse effects have been documented. The NPS has brought to our attention, however, that more immediate EPA action is needed to mitigate adverse impacts and reverse deteriorating air quality and AQRV trends at Shenandoah and Great Smoky Mountains NPs. The NPS is also concerned that Blue Ridge Parkway, which joins the two park units, is likely experiencing similar resource damage from air pollution. The enclosed memorandum from NPS Director Stanton and several park superintendents provides more specific information regarding their request. We believe that substantial reductions in emissions of sulfur dioxide, nitrogen oxides (NO_x), particulate matter, and volatile organic compounds are needed to mitigate the documented impacts. We also believe EPA has sufficient authority under existing law and regulations to provide some relief for these areas in the short term, before the general AQRV Restoration and Protection rule can be promulgated. Possible approaches for mitigating these well-documented adverse impacts include:

- Expanding the charge of regional planning organizations so that they examine integrated strategies for not only improving visibility, but also for reducing acid deposition and ozone impacts;
- Using State/EPA performance agreements to ensure that states address AQRV issues and concerns. This might include requiring states to demonstrate that national parks and wilderness areas experiencing serious air pollution problems will benefit from existing and pending pollution control programs; and requiring states to review the adequacy of their new source permitting activities, including a thorough evaluation of whether new sources of pollution are being inappropriately exempted from more stringent requirements, or whether permits are being issued without adequate consideration of cumulative impacts from all emissions growth on AQRVs and applicable PSD increments;

- Reviewing whether state plans are adequate to "preserve, protect, and enhance" the air quality in parks and wilderness areas, as required by the Clean Air Act's prevention of significant deterioration of air quality provisions; and/or,
- Conducting independent analyses to assess the expected benefits of existing and pending pollution control programs, as well as cumulative impacts of both new and existing sources on AQRVs. For example, using Class I areas as subregional case studies for planning and effectiveness monitoring of new national and regional air control strategies.

We understand that a comprehensive, effective solution to air pollution problems in Great Smoky Mountains, Shenandoah, and other park units in the Southeast may take time to develop and implement. In the short term, it is particularly important that EPA help us reverse deteriorating air quality trends and avoid exacerbating existing, serious pollution problems. By establishing mechanisms for assessing cumulative impacts and minimizing emissions from a larger universe of new sources, states should be able to reduce new emissions, minimize PSD increment consumption, limit new source contributions to existing adverse impacts on AQRVs, and avoid exceedances of air quality standards.


We recognize and commend EPA for its many air quality initiatives currently underway (e.g., acid rain provisions, regional haze rule, NO_x SIP call, revised ozone and particulate standards, Tier II tailpipe standards, etc.). We are encouraged by the expected summertime NO_x reductions in the East resulting from the NO_x SIP call. However, given the regulatory uncertainty that remains concerning the revised NAAQS for ozone and particulate matter, the lack of secondary NAAQS designed to protect sensitive AQRVs, and projections for significant population growth in many areas affecting national parks and wilderness areas, we are not confident that the expected reductions will be enough, or are appropriately located to mitigate current adverse AQRV impacts. The deteriorating air quality and AQRV trends we have been observing in many of our parks and wilderness areas demand a more directed and aggressive approach. In short, we need reasonable assurances that these spectacular, nationally-significant resources will benefit from air quality control strategies being developed to address other air quality objectives. In addition, we need a regulatory mechanism to address residual impacts that may remain in spite of other programs. The requested general rulemaking and strategies implemented to mitigate the identified problems at Great Smoky Mountains and Shenandoah NPs will provide appropriate mechanisms to address documented adverse impacts. Furthermore, the associated emission reductions would also benefit sensitive living resources in the Chesapeake Bay and complement the efforts of the Chesapeake Bay Program, of which EPA is a major partner.

In conclusion, we are very concerned about the current and future status of air quality related values at NPS and FWS-administered parks and wilderness areas and the cumulative impacts of existing and new pollution sources on these resources. Therefore, we request that EPA promulgate a general rule that will require the affected states to revise their SIPs to remedy existing, and prevent future, adverse AQRV impacts. While EPA is developing this AQRV Restoration and Protection rule, we ask that you work with individual states to encourage them to address the adverse conditions of specific parks in the Southeast as mentioned above.

We look forward to working with your office on this matter. In this regard, we suggest a meeting where our staffs can begin to develop the most effective approach to addressing these

issues. In the meantime, if you have any questions, please feel free to contact Christine Shaver, Chief of the NPS Air Resources Division in Denver, at (303) 969-2074.

Sincerely,


Acting Assistant Secretary
for Fish and Wildlife and Parks

Enclosures