



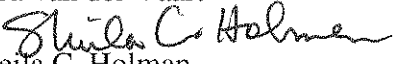
North Carolina Department of Environment and Natural Resources  
Division of Air Quality

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Secretary

**MEMORANDUM**

**TO:** D. R. van der Vaart  
**FROM:**   
Sheila C. Holman  
**DATE:** August 30, 2010  
**SUBJECT:** Background Visual Range under PSD

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North Carolina's Prevention of Significant Deterioration (PSD) program, codified at 15A NCAC 2D .0530, includes provisions specifically designed to protect federal Class I areas. The first level Class I safeguard is a Class I increment analysis. Dependent upon the outcome of the Class I increment analysis either the applicant or the Federal Land Manager may present to the permitting authority an analysis of the proposed project's impact on Air Quality Related Values (AQRVs) (including visibility) in the Class I area. This AQRV analysis is an important part of determining whether a project will have an adverse impact in the Class I area.

One AQRV that is most often a concern of the FLM is visibility. In addition to the PSD program, the Regional Haze program (§169A and B of the Clean Air Act) seeks to protect visibility in Class I areas. While the goal of the former is to limit the degradation of visibility (and other AQRVs) in Class I areas by new sources, the goal of the Regional Haze program is to bring visibility in Class I areas back to natural conditions (*i.e.*, visibility without manmade contaminants) by the year 2064. This long term goal will not be rendered unattainable because of the construction of new sources. Instead, all sources impacting Class I areas are periodically reviewed in determining what reasonable progress can be made towards the goal of natural conditions. This relationship between the PSD and Regional Haze program has been defined by the EPA, who noted,<sup>1</sup>

... we believe that allowing localized air quality increases in the short-term due to the emissions from major new sources subject to PSD is not inconsistent with the regional haze program. The regional haze program is focused on long-term emission decreases from the entire regional emission inventory, comprised of major and minor stationary sources, area sources and mobile sources.

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<sup>1</sup> *American Corn Growers Assoc. v. EPA*, 291 F.3d 1, 28, D.C. Circuit Ct. Appeals (2002).

Indeed, North Carolina has demonstrated that due to large emissions reductions from existing utility plants throughout the State, visibility conditions at the State's Class I areas significantly exceed the improvement goals defined by the Regional Haze program. This progress towards natural conditions is directly related to the Clean Smokestacks Act which required emissions reductions of NO<sub>x</sub> of over 75% as of 2009, and reductions of SO<sub>2</sub> of over 70% by 2013.

While visibility consistent with natural conditions is the long term goal, when evaluating the impact of a new project under the PSD program the comparison must be made with the current visibility in the Class I area. This provides for a realistic assessment of the project's impact, but does not sacrifice the long term goal of the Regional Haze program. This was made clear by the EPA when it discussed the role of PSD in the Regional Haze rules,<sup>2</sup>

...in assessing a proposed source's impact on visibility, the reviewing authority must necessarily review that impact in the context of existing background visibility. This point does not seem debatable.

Finally, since 1987 when the EPA approved 2D .0530(t), the North Carolina Division of Air Quality (NCDAQ) has utilized the current visibility as measured in Asheville and Cape Hatteras. The use of these actual data is consistent with EPA's approval of 2D .0530(t) where they stated that these data should serve as "acceptable regional background data for use in making visibility related permit decisions."<sup>3</sup>

NCDAQ will continue to rely on current conditions of Class I areas when evaluating the possible impacts of PSD projects on AQRV (including visibility). At the same time, North Carolina has shown it is a leader in its progress towards the national goal of natural conditions under the Regional Haze program.

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<sup>2</sup> 50 FR 28544

<sup>3</sup> 51 FR 2693