

Mid-Atlantic/Northeast Visibility Union (MANE-VU) Regional Planning Organization

FINAL INTERIM PRINCIPLES FOR REGIONAL PLANNING

The purpose of this document is to outline the Mid-Atlantic and Northeast region's approach to air quality planning for regional haze, including an agreement to form a new regional planning organization. The name of the organization will be the Mid-Atlantic/Northeast Visibility Union (MANE-VU) Regional Planning Organization. The MANE-VU Regional Planning Organization's principles for regional planning to address regional haze are as follows.

Background

In 1999, the United States Environmental Protection Agency (USEPA) promulgated regional haze regulations that, among other things, require all states to develop regional haze rules to establish goals and emission reduction strategies for improving visibility due to regional haze in the 156 national park and wilderness areas throughout the United States designated as mandatory Federal Class I areas. USEPA's regional haze regulations allow for, and encourage through deferment of deadlines, a coordinated approach to addressing regional haze issues. As part of the implementation of the regional haze regulations, USEPA has provided grant funds for five regional planning organizations (RPOs) to facilitate their efforts to address visibility impairment in the region. MANE-VU's members include two Federally recognized Tribes (the Penobscot Indian Nation, and the St. Regis Mohawk Tribe), eleven States (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont), the District of Columbia, the National Park Service, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the U.S. Environmental Protection Agency.

Purpose

MANE-VU will coordinate regional haze planning activities for its region. It will provide technical assessments for and assistance to its members regarding regional haze and related issues, provide a forum for its members to discuss such issues, and recommend actions to reduce regional haze. MANE-VU will also evaluate linkage between regional haze and other regional pollutants, such as fine particulate matter and ozone. In addition, MANE-VU will coordinate its activities with other Regional Planning Organizations. MANE-VU may also take other actions to help facilitate these efforts, including adopting resolutions and other such instruments as deemed appropriate by the Board, adopting bylaws, and assisting its members in meeting the requirements of the Federal regional haze rule.

Roles and Responsibilities

Under the Federal regional haze rule, the States have the primary regulatory responsibility for addressing visibility impairment through the development of State Implementation Plans (SIPs). Specifically, pursuant to 40 CFR Part 51, Subpart P, Section 51.300, States are required to "...develop programs to assure reasonable progress toward meeting the national goal of preventing any future, and remedying any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution...". As noted in the preamble to the Federal regional haze rule, States are required to "...develop SIP revisions to address regional haze, to update the SIP every 10 years, and to continue to evaluate progress toward the national visibility goal." The Federal regional haze rule also notes the important role of Indian Tribes, and under the Tribal Authority Rule (40 CFR 49), Tribes are eligible to be "treated in the same manner as a state" with respect to implementing certain provisions of the Clean Air Act. As a result, Tribes may request, and EPA may certify, Tribes becoming responsible for Tribal Implementation Plans (TIPs) for regional haze.

The Federal government, including Federal Land Managers (FLMs) and USEPA must also be involved in the regional planning process. USEPA has oversight responsibility on State and Tribal Implementation Plans, and the FLMs have significant air quality responsibilities on public lands, particularly parks and wilderness areas designated as Class I areas in the Federal regional haze rule. In addition, the Federal regional haze rule requires States to consult with FLMs before adopting and submitting their regional haze SIPs. Thus, FLMs and USEPA must participate in MANE-VU activities, at least at the technical level (see organizational structure below.)

There will therefore be Federal, State, and Tribal participants in MANE-VU. Member States and Tribes will be responsible for decision-making, and shall be the voting members of MANE-VU. MANE-VU will attempt to operate on a consensus approach on technical and policy matters.

Stakeholder involvement and input is important to MANE-VU's work. Stakeholder involvement is addressed specifically below in the context of MANE-VU's committees.

MANE-VU also recognizes the need for interregional coordination among RPOs on a wide range of regional haze and visibility issues. Toward that end, MANE-VU will work cooperatively with other RPOs to the greatest extent possible.

MANE-VU will be supported by three multi-State organizations within the region: the Ozone Transport Commission (OTC), the Northeast States for Coordinated Air Use Management (NESCAUM), and the Mid-Atlantic Air Management Association (MARAMA). OTC will coordinate the activities of MANE-VU as a whole, while NESCAUM and MARAMA will be the lead organizations for technical support.

Organizational Structure

MANE-VU will be organized as follows:

MANE-VU Board- Initially the Board will consist of the State Environmental Commissioners/Secretaries (or their designees) and air pollution control agency directors of the member States, Authorized Tribal Environmental Directors (or their designees) and a Tribal air pollution control representative (designated by the Tribal Environmental Director), the Regional Administrators of USEPA, Regions I, II, and III (or their designees), and the USEPA Assistant Administrator for Air and Radiation (or his/her designee), and one representative each from the three Federal Land Managers. States and Tribes shall be considered voting members and the Federal representatives shall be considered non-voting members. State and Tribal Governors shall have the authority to designate individuals for each of the two positions on the Board.

Meeting, Consensus Decision-Making, and Voting- The Board shall meet at least once per year. The Board shall provide the overall policy direction for the identification and evaluation of regional planning efforts, and shall serve as the forum for the resolution of disputes. All members shall use their best efforts to develop a consensus set of regional planning efforts and, eventually, any necessary control strategies. The Board may adopt operating procedures, by-laws, and other conventions necessary for its operation. The Board shall meet at least annually, or more frequently as necessary to oversee the progress of the effort. All Board meetings shall be public.

Upon a vote of the majority of the voting members present, the Board or any of its committees may decide to enter into Executive Session (from which the public may be excluded) for the purpose of discussing and considering matters related to personnel, litigation, real estate, and other specific matters, the discussion of which in open session would be detrimental to the interests of MANE-VU.

The Board will use its best efforts to reach consensus on its decisions, and shall use Robert's Rules of Order for its proceedings. Under these circumstances, each State and the District of Columbia will individually have one vote, and each of the individual signatory Tribes below will have one vote.

Voting without Meeting- Any action required or permitted to be taken by the membership may be taken without a meeting, if all members are notified and by written consent of a majority of the full Board membership eligible to vote.

New Members- Additional States and Federally recognized Tribes may submit a request to join MANE-VU. Upon review and approval of the Board, such States and Tribes may become voting participants of the organization, according to the principles in this document. Should new members join MANE-VU, the Board may consider and adopt alternatives to the voting provisions in this document.

Alternate Members and Proxies- A State or Tribal Governor may designate an alternate member to vote in a member's absence, provided that he/she notifies the Chair of such designation prior to any vote in which the alternate member would be voting on behalf of the member. Any member may designate another member as a proxy for the purpose of voting on behalf of the member in his/her absence, provided that he/she notifies the Chair of such designation prior to any vote in which the proxy is to be exercised.

Quorum for Action- Two thirds of the total voting members will constitute a quorum. Actions will be deemed to be approved with a majority of the votes cast, provided that a quorum is present.

Chair and Vice Chair of the Board- Initially, the Chair of the Board shall be the Governor's representative (i.e., the lead representative) of the State of Vermont. A Vice Chair and the terms of the Chair and the Vice Chair will be determined by the Board, though terms shall be no more than two years, as well as procedures for electing future Chairs and Vice Chairs. Chairs and Vice Chairs shall be environmental Commissioners, Secretaries, or Directors from the States and Tribes. The Vice Chair shall immediately succeed to the position of Chair upon completion of the original Chair's term.

Ozone Transport Commission (OTC) Executive Staff Office Support- Subject to the availability of funding, the OTC Executive Staff Office, including the OTC Executive Director and staff, shall be utilized to administer the operations of MANE-VU, including both the Board and the Committees. In addition, the OTC Executive Staff Office is authorized to receive Federal funds on behalf of MANE-VU, and to enter into contractual arrangements on behalf of the MANE-VU Board, as well as other cooperative arrangements with NESCAUM and MARAMA. In this capacity, the OTC Executive Staff Office shall comply with all appropriate grant requirements.

Involvement of Regional Organizations- Existing regional organizations, specifically MARAMA and NESCAUM, shall be employed in the conduct of MANE-VU's efforts to the greatest extent possible to advance the scientific understanding of regional haze in the Eastern United States. These efforts shall include the assessment of modeling, meteorology, emissions inventories, monitoring, and visibility improvement strategies and other activities. The OTC Executive Staff Office shall coordinate MANE-VU's efforts to reduce duplication of effort, secure economies of scale, and coordinate organization, administrative, logistical and management issues.

MANE-VU Committees- There shall initially be two committees formed, a Technical Support Committee and a Communications Committee. The Technical Support Committee will be responsible for assessing the nature and magnitude of the regional haze problem in the region, interpreting the results of technical work done by or for MANE-VU, and reporting on this work to the MANE-VU Board. The Communications Committee will be responsible for developing approaches to informing the public about

the regional haze problem in the region, and making any recommendations to the Board that would facilitate this goal. Members of the committees will be designated staff members of member organizations, plus representatives of OTC, NESCAUM, and MARAMA.

The Chair may establish such ad hoc committees as are needed to achieve the goals of MANE-VU. Ad hoc committees will remain in effect throughout the period of time associated with their creation, after which they shall automatically dissolve without the requirement of action of any sort by the membership.

Stakeholder Involvement- MANE-VU will involve stakeholder organizations and individuals in assisting its members in carrying out the requirements of the Federal regional haze rule. MANE-VU will allow time for stakeholder presentations and comments in all MANE-VU committee meetings. MANE-VU committees will hold periodic informal meetings involving stakeholders on MANE-VU technical work to facilitate an interchange of ideas and data that may help the overall quality and comprehensiveness of MANE-VU's efforts to analyze and ultimately reduce regional haze.

Signed this 24th day of July 2001