



June 30, 2022

Via electronic mail

Michael Madsen
Clean Air Branch
Department of Health
2827 Waimano Home Road
Suite #130
Pearl City, Oahu 96872
michael.madsen@doh.hawaii.gov

Re: Requesting Extension of Comment Period for Hawaii's Draft Regional Haze State Implementation Plan for the Second Implementation Period

Dear Mr. Madsen,

On behalf of Coalition to Protect America's National Parks and National Parks Conservation Association, (the "Conservation Organizations"), we request that the Hawaii Department of Health Clean Air Branch ("CAB") grant an extension of the public comment deadline for Hawaii's Draft Regional Haze State Implementation Plan for the Second Implementation Period ("SIP"), currently noticed for public comment.¹ Specifically, we ask that the current deadline for comments, Sunday, July 24, 2022, be extended to Friday, August 5, 2022.

For review of the proposed SIP, CAB provided interested stakeholders with just 31 days to evaluate and provide comment regarding over a hundred pages of legal and technical analysis, as well as hundreds of pages in additional appendices and consultation documents.² Given the scope, volume, and complexity of this information, the Conservation Organizations believe that the current comment period is not sufficient to fully analyze the potential impacts of the proposed SIP and provide meaningful comment. Reviewing CAB's legal and technical analysis along with its modeling, conducting any analysis of our own, and developing comments requires more time than allowed by the current comment period, which ends on July 24, 2022.

¹ See Hawaii's public notice: <https://health.hawaii.gov/cab/files/2022/06/22-CA-PA-08.pdf>.

² See Hawaii's Proposed SIP and appendices: <https://health.hawaii.gov/cab/public-notice/>.

A modest extension of the public comment period will not adversely impact any other party. We understand and appreciate that CAB has provided periodic stakeholder updates throughout the planning process, but we have not had access to the proposed SIP before its release on June 24. A 12-day extension of the deadline will not prejudice any regulated entity and will not materially affect CAB's ability to submit its SIP to EPA within a reasonable time.

Conversely, given the scope and complexity of the proposed SIP, the current July 24 deadline for comments will effectively preclude the Conservation Organizations from reviewing all of the relevant technical data supporting the rule, fully analyzing those voluminous files, and providing meaningful legal and technical comments. We previously requested, and were granted, regional haze SIP comment period extensions by the states of Arkansas, Indiana, Montana, Ohio and Texas. Additionally, the state of Alaska initially provided over 50 days for their public comment period.

Additionally, we request an avenue to submit comments electronically. Printing and shipping our comments and supporting exhibits is unnecessary in the days of electronic delivery. Moreover, the comment deadline falls on a Sunday which eliminates one more day from the comment period as many USPS locations are closed on Sundays so therefore, we would not be able to get anything postmarked that day.

Furthermore, we note that CAB recently published a "NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII Docket No. 11-60.1-03-21 (CAB Docket No. 21-CA-PA-21)" and in that notice explained that it will accept written comments on those SIP amendments:

[T]hrough e-mail at CAB@doh.hawaii.gov, by delivery, or by postal mail to the address listed above.³

It appears to be the State's practice to accept comments electronically. Thus, we ask that the State provide the same opportunity here with its Draft Regional Haze SIP and accept comments from the Conservation Organizations electronically.

If the State insists on receiving public comments, including those from the Conservation Organizations via postal mail delivery to Hawaii, we request confirmation that it will accept our comments and supporting exhibits *both* electronically via electronic mail (to CAB@doh.hawaii.gov or to your email address) and via postal mail delivery using electronic media device (device type coordinated with your office (*e.g.*, flash drive, etc.)) rather than paper copies.

Finally, we appreciate that you let Natalie Levine know via email on June 29th that additional information on the permits for this proposed action will be posted on your website on

³ NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE HAWAII ADMINISTRATIVE RULES TITLE 11, CHAPTER 60.1 AIR POLLUTION CONTROL DEPARTMENT OF HEALTH STATE OF HAWAII Docket No. 11-60.1-03-21 (CAB Docket No. 21-CA-PA-21), at 1, 2, <https://health.hawaii.gov/cab/proposed-amendments-to-hawaii-administrative-rules/>.

Friday July 1, 2022. As this is information that was not available at the start of the comment period, and consistent with EPA's regulations that require a minimum 30-day public comment period, we look forward to seeing the new public notice and extension of the public comment period.

Ultimately, if finalized as currently proposed, the SIP would adversely affect the Conservation Organizations' interests in pollution reduction, the environment, as well the health and welfare of our members and their use and enjoyment of Haleakala and Hawaii Volcanoes National Parks. We respectfully ask that you grant our request by Thursday, July 7, 2022, so that we can plan our comments most efficiently.

Respectfully submitted,

Michael B. Murray
Chair
Coalition to Protect America's National Parks
Washington, DC
Editor@protectnps.org

Natalie Levine
Climate and Conservation Program Manager
National Parks Conservation Association
Novato, CA
nlevine@npca.org

Sara L. Laumann
Principal
Laumann Legal, LLC.
Denver, CO
sara@laumannlegal.com
Counsel for National Parks Conservation Association