



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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Fact Sheet

**EPA's Proposed Rulemaking Action: Utah Regional Haze
State Implementation Plan (SIP) and Federal Implementation Plan (FIP) for
Regional Haze**

Provided at the January 26, 2016 Public Hearing, Salt Lake City, Utah

Overview of EPA's Proposed Action:

- On January 14, 2016, the Environmental Protection Agency (EPA) published a proposed rulemaking action on a portion of Utah's Regional Haze State Implementation Plan (SIP) that addresses requirements pertaining to particulate matter (PM) and nitrogen oxides (NO_x) and the visibility impacts those pollutants have at certain wilderness areas and national parks. EPA's proposed action co-proposes two different approaches: the first approach fully approves Utah's Regional Haze SIP addressing the requirements of the Regional Haze Rule under 40 CFR 51.309(g); and the second approach partially approves and partially disapproves Utah's Regional Haze SIP, proposing a Federal Implementation Plan (FIP) for those elements of the SIP for which we are proposing disapproval. The proposed action may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2015-0463, or at Volume 81 of the Federal Register, starting at page 2004, which can be accessed online at <http://www.gpo.gov/fdsys/>.

Background:

- The Clean Air Act (CAA) (section 169A) establishes as a national goal the "prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas," i.e., our national parks and wilderness areas. To address this goal, Congress required EPA to adopt rules and required states to adopt revisions to their state implementation plans or "SIPs." The CAA requires, as part of the SIPs, that certain large sources of pollution install Best Available Retrofit Technology or "BART," which is to be determined considering five factors including cost and visibility improvement. In addition, the CAA requires the SIPs to include measures to provide for reasonable progress toward the national goal.
- In 1999, EPA issued rules to address regional haze, a particular type of visibility impairment in our national parks and wilderness areas that can arise from a variety of sources across broad geographic areas. These rules required all 50 states to submit SIP revisions to address regional haze by December 17, 2007. Among other things, these rules specified requirements related to BART. Utah originally submitted a SIP addressing regional haze on December 12, 2003. Utah

submitted additional SIP revisions for its regional haze program on August 8, 2004, September 9, 2008 and May 26, 2011.

- A state must submit its SIP revisions to EPA for approval. If EPA finds that a state has failed to make a required SIP submittal or if EPA disapproves a state's required submittal, then EPA must promulgate a FIP within two years to fill the regulatory gap.
- EPA partially approved and partially disapproved Utah's regional haze plan on December 14, 2012.
- Utah submitted regional haze SIP revisions on June 4, 2015 and October 20, 2015 that address the requirements under 40 CFR 51.309(g) relating to the BART requirements for PM and NO_x through a BART alternative program.
- EPA's January 14, 2016 proposed action pertains to Utah's 2015 regional haze SIP revisions.

Major Aspects of EPA's Proposed Action:

- Under our first approach, EPA is proposing to fully approve the two Regional Haze SIP revisions submitted by Utah in 2015. Specifically, we are proposing to approve the following:
 - The state's PM BART determinations for PacifiCorp's Hunter Units 1 and 2 and Huntington Units 1 and 2. (Note: PacifiCorp operates as Rocky Mountain Power in Utah.)
 - The state's NO_x BART Alternative for PacifiCorp's Hunter Units 1, 2 and 3, Huntington Units 1 and 2 and Carbon Units 1 and 2.
 - The state's monitoring, recordkeeping, and reporting requirements in Part H of Utah's SIP for the PM BART determinations and the NO_x BART Alternative.
- Under our second approach, we are proposing to approve only the portions of the state's SIP that pertain to PM BART and the associated PM monitoring, recordkeeping and reporting requirements for the BART sources. We are proposing to find that some aspects of the Utah Regional Haze SIP are inconsistent with the regulatory and statutory requirements. As a result, we are proposing to disapprove:
 - The state's NO_x BART Alternative for PacifiCorp's Hunter Units 1, 2 and 3, Huntington Units 1 and 2 and Carbon Units 1 and 2.
 - The associated NO_x monitoring, recordkeeping and reporting requirements for the NO_x BART Alternative.

- We are proposing the promulgation of a FIP to address the deficiencies in those portions of the state's SIP which we are proposing to disapprove. The co-proposed FIP includes the following elements:
 - NO_x BART determinations and limits for PacifiCorp's Hunter Units 1 and 2 and Huntington Units 1 and 2.
 - Monitoring, recordkeeping, and reporting requirements applicable to the four BART units for which there is a FIP emissions limit.
- As part of the public comment process, EPA is specifically requesting that interested parties provide any additional information or analysis regarding the proposed action (for example, modeled visibility benefits of the BART Alternative compared to BART) and whether the interested parties think EPA should consider options that differ somewhat from the proposed BART Alternative or the BART control technology option, which could be finalized as our FIP if we disapprove the Utah SIP submittal in our final action. EPA will consider all public comments and information received, including additional options for control technologies and timing, before issuing a final action.
- We anticipate that there will be differing views regarding the state's BART Alternative SIP and what course of action EPA should take. This is because of the complex nature of the BART Alternative, the analysis that supports it, consideration of that analysis under the statutory and regulatory framework, and implications of EPA's actions.
- Given these considerations, EPA decided to solicit comments to support either: a proposed action to approve the state SIP in its entirety, or a proposed action to partially approve and partially disapprove the state SIP and propose a FIP.
- As it has done with other states, EPA would work with the state on a revised state plan should a partial disapproval and FIP be finalized. If EPA finalizes our federal plan and the state finalizes a revised plan that adequately addresses regional haze, our federal plan could be superseded upon our approval of the state's revised plan.

For Further Information:

- The proposed action may be viewed at: <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2015-0463. Follow the online instructions for submitting comments. Comments must be received on or before March 14, 2016. See the proposed action for further instructions on submitting comments.
- In addition to the proposed rulemaking action, other background and supporting information is available at <http://www.regulations.gov> by searching for Docket ID No. EPA-R08-OAR-2015-0463 or in hard copy at the EPA Region 8 offices located at 1595 Wynkoop Street, Denver, Colorado 80202-1196. EPA requests that, if possible, you contact Gail Fallon at

(303) 312-6281 or fallon.gail@epa.gov to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

- For further information concerning this action, contact Gail Fallon of EPA Region 8's Air Program at (303) 312-6281 or fallon.gail@epa.gov.