



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Mr. Rick Sprott
Director
Utah Division of Air Quality
150 North 1950 West
Salt Lake City, UT 84116

Dear Mr. Sprott:

The purpose of this letter is to respond to recent questions raised by the Western Regional Air Partnership (WRAP). These questions related to regional haze plans for Class I areas in addition to the 16 Class I areas addressed by section 309 of the regional haze rule.

Question: We expect Western States that submit 309 plans will want to make a showing under the provisions of 309(g)(4)(ii) that the Annex satisfies the best available retrofit technology (BART) requirement for all Class I areas, both within and outside the 9-state transport region. This will ensure that the States do not have to revisit the stationary source SO₂ question in their 2008 state implementation plans (SIPs) for the other Class I areas and that the Annex is satisfactory as far as stationary source SO₂ reductions are concerned through the first planning period for regional haze (2018). Does Environmental Protection Agency (EPA) see any problems with this?

Response: Assuming the State or Tribal 309 plan includes the analysis and information necessary to show that the Annex milestones provide for greater reasonable progress than BART for any additional Class I areas, the 309 plan can satisfy the SO₂ BART requirement for all Class I areas both within and outside the transport region.

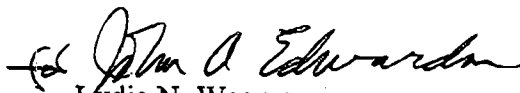
Although the reasonable progress determination is different from the BART requirement, it is very unlikely that more reductions would be required if the reductions under 309 are better than BART. To assure that no further reductions would be needed, 309 States should consider any affected Class I areas in other States as part of their analysis. We also note that one of the requirements for additional Class I areas is to ensure consultation with other States. Section 309(g)(3) refers to the requirements of "sections 308(d)(1) through (d)(4)." One of these requirements, in section 308(d)(3), is for consultation with other States.

Question: Does EPA see any problems from a legal or regulatory standpoint with expanding the Annex backstop trading program to include other Western States when they submit their SIPs under Section 308? This would include the WRAP States outside the transport region (WA, MT, ND, and SD) and might also include the possibility of a transport region State that does not submit a plan under Section 309 (i.e., CA).

Response: There are no legal or regulatory obstacles to expanding the program to include such other States in the future, assuming the technical work supports such a plan.

I hope these responses are helpful to your ongoing process to implement the regional haze rule. If you have any further questions, please contact me at (919) 541-5505, or Tim Smith of my staff at (919) 541 4718.

Sincerely yours,



Lydia N. Wegman
Director

Air Quality Strategies and
Standards Division