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July 9, 2002

Christine Todd Whitman, Administrator
Jeffrey Holmstead, Assistant Administrator
U.S. Environmental Protection Agency
5426 Ariel Rios Federal Building
1200 Pennsylvania Avenue, N. W.
Washington, D.C. 20004

Air and Radiation Docket and
Information Center (6 102)
Attn: Docket No. A-2000-5 1
U. S . Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Proposed Revisions to Regional Haze Rule to Incorporate Sulfur Dioxide
Milestones and Backstop Emissions Trading Program for Nine Western States
and Eligible Indian Tribes Within That Geographic Region, 67 Fed. Reg. 30418
(May 6, 2002)

Greetings:

The Utility Air Regulatory Group (UARG) submits these comments in response to the subject Federal Register notice (hereafter "Annex Proposal"). In the Annex Proposal, the United States Environmental Protection Agency (EPA) announced its intent to approve the Western Regional Air Partnership's (WRAP's) September 29, 2000 Annex to the report of the Grand Canyon Visibility Transport Commission (GCVTC). This approval would be reflected in a revision to the regional haze rule, 40 CFR 5 1.309.

UARG's western members have been active before the GCVTC, WRAP, and EPA on the issues of visibility protection in the class I areas of the western US.

UARG makes two basic comments. First, UARG endorses the comments of WEST Associates filed on July 5, 2002, regarding the Annex Proposal.

Second, UARG highlights one of the comments made by WEST to reinforce the importance of EPA's ensuring that WRAP's Annex (and EPA's review of it) be conformed to the recent regional haze litigation, American Corn Growers Association, et. al. v. EPA, No. 99- 1348 (D.C. Cir. May 24, 2002). Like WEST Associates, UARG is concerned that EPA's June 7, 2002 letter to WRAP suggests that the Corn Growers case permits EPA to approve the Annex based on the



original rationale for the Annex. UARG believes that the Annex is approvable, but only after its rationale is conformed to delete references to the group-BART approach vacated by the D. C. Circuit and to meet the requirements of the CAA:

- that attribution of visibility impairment in class I areas to a specific source must be based on evidence.
- that BART must be determined for a source following an integrated consideration of all statutory factors.

To assist EPA in its implementation of the Corn Growers case, UARG has accepted the invitation of EPA staff to meet at Research Triangle Park on July 17, 2002. At that meeting, UARG will answer EPA's questions about the implications of the regional haze litigation for the Annex Proposal, as well as offer suggestions for the necessary revisions to the regional haze rule generally. This schedule is consistent with the statement of EPA's Tim Smith at AWMA's annual meeting to the effect that the Agency's record for the Annex Proposal would be held open after July 5th.

Thank you for the opportunity to submit comments on the Annex Proposal. If you or your staff have questions about these comments, please call me at 202/955- 1527.

Very truly yours,

A handwritten signature in black ink that reads "Michael Teague" followed by a stylized flourish.

Henry V. Nickel
Michael L. Teague
Kevin L. Fast