



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 1 2003

THE ADMINISTRATOR

The Honorable Michael O. Leavitt
Governor of Utah
210 State Capitol
Salt Lake City, Utah 84114

Dear Governor Leavitt:

I am writing to update you on the status of the U.S. Environmental Protection Agency's efforts to revise the portion of the regional haze rule that addresses Best Available Retrofit Technology. We are aware that several members of the Western Regional Air Partnership must make key decisions about their State Implementation Plans in the near future.

As you may know, the section of the regional haze rule that addresses BART was remanded to EPA by the U.S. Court of Appeals for the District of Columbia Circuit in a decision issued May 24, 2002 (*American Corn Growers et al. v. EPA* 291 F.3d 1 (D.C. Cir. 2002)). Since that time, EPA has been working to redraft the affected portion of the rule and the associated guidelines for making BART determinations.

Our rulemaking effort will address the concerns that the Court raised about the criteria we provided for determining which sources should be subject to BART, and the appropriate standard for evaluating the degree of visibility improvement that BART will provide. It will also consider whether to provide a mechanism by which states may exempt sources from BART determinations. We plan to publish a proposed rulemaking package addressing all these issues in the *Federal Register* by April 2004. The proposal will include both modifications to the BART provisions of the regional haze rule and the BART guidelines. We intend to publish the final rulemaking package in the *Federal Register* by April 2005.

I would like to assure you that, since the Court did not take issue with the provisions of section 309 of the regional haze rule (concerning requirements applicable to the nine original Grand Canyon Visibility Transport Commission states), we do not plan to revise these provisions. As you know, last May, EPA proposed to approve a proposal submitted by the WRAP under section 309 (i.e., the "WRAP Annex"). You will be pleased to know that we will be issuing a final decision on the WRAP Annex later this spring.

Thank you for your interest in this important matter and for your efforts to improve Western air quality. If you have any further questions, please have your staff contact Lydia Wegman at (919) 541-5505.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Christine Todd Whitman".

Christine Todd Whitman
Internet Address (URL) • <http://www.epa.gov>