

Five Western States Pledge to Work with EPA on Analyzing SO2 Program, Allowing Them to Move Forward on Regional Haze Plans

FOR IMMEDIATE RELEASE

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DENVER – Five states and the city of Albuquerque, which have developed a joint plan for reducing regional haze, say they will work with the U.S. Environmental Protection Agency to determine what additional analysis is needed for their sulfur dioxide emissions program to be approved in light of a recent court decision.

A letter seeking to cooperate with EPA was sent to Jeffrey Holmstead, assistant administrator for air quality, from the states of Arizona, New Mexico, Oregon, Utah and Wyoming and the city of Albuquerque. The full text of the letter follows:

“In December 2003, each of our states submitted to EPA a regional haze plan implementing the recommendations of the Grand Canyon Visibility Transport Commission (GCVTC), which began its work in 1991. A central element of these “Section 309” state implementation plans is a market-based approach for reducing and capping sulfur dioxide emissions from industrial sources.

“This program to implement the GCVTC’s recommendation of a 50-70% reduction in sulfur dioxide emissions by 2040 was adopted by consensus of Western states, tribes, and federal agencies participating in the Western Regional Air Partnership (WRAP), and was developed in partnership with Western industries and environmental groups.

“Given the level of effort that went into developing this program, and our belief that it is the right program for our states, we were certainly disappointed in the February 18, 2005 decision in *CEED v. EPA*. Nevertheless, we were encouraged that the court’s decision upholds the ability of states to develop market-based alternatives to source-by-source controls for those facilities that are subject to the best available retrofit technology (BART) requirements of the regional haze rules.

“While the court had concerns with some of the analytical methods that were used to evaluate the benefits of our SO2 program because of similarity to methods the court struck down in the *American Corn Growers* case, we believe we can remedy this problem once EPA revises the regional haze rules to address the *American Corn Growers* decision.

“We understand that EPA will promulgate new BART rules for regional haze by April 15 of this year. Once that happens, we will work together and with EPA to determine what additional analysis of our SO2 program is needed so that EPA can move forward with approval of our Section 309 state implementation plans for regional haze as quickly as possible.

“In the meantime, we would like to engage with EPA as co-regulators to discuss the court’s decision and determine the appropriate steps to remedy any issues that stand in the way of implementing our regional approach for improving visibility at our nation’s treasured Class I areas.

“Thank you for your ongoing support of our efforts. We remain confident that working together we can continue to develop and implement air quality programs that make sense for the West.”

The letter was signed by: Stephen A. Owens, Director, Arizona Department of Environmental Quality; Dianne R. Nielson, Ph.D., Executive Director, Utah Department of Environmental Quality; Ron Curry, Cabinet Secretary, New Mexico Environment Department; Andrew Ginsburg, Air Quality Administrator, Oregon Department of Environmental Quality; John V. Corra, Director, Wyoming Department of Environmental Quality; and Alfredo R. Santistevan, Director, Environmental Health Department, City of Albuquerque.

For more information about the WRAP and the Section 309 plans, visit the WRAP Web site at www.wrapair.org.