

## Status of BART and §308, §309, and §309(g) Regional Haze SIPs and FIPs

*Update of November 3, 2011*

State	SIP Adoption(s)	SIP Submitted to EPA	EPA action on submittal	Ongoing Issues, Current Status
<b>AK</b>	Done. State adopted Feb 11, 2011. Filed with state effective date of April 13, 2011.	Submitted March 29, 2011	Pending	Continuing to provide responses to EPA staff – primarily related to BART determinations.
<b>AZ</b>	Done	Submitted February 28, 2011,	None at this time, complete by operation of law August 28, 2012.	Reasonable Progress, BART; In Consultation with EPA Region 9
<b>CA</b>	Done	Submitted March 2009	Full approval published in FR 6/14/2011 as part of approval of CA Transport SIP	Preparing mid-course review for 2013 submittal
<b>CO</b>	RH SIP was adopted by the AQCC in January 2011 and passed Legislative Review Spring 2011	RH SIP sent to EPA R8 in late May 2011	Consent Decree 3/8/2012 NPR, 9/6/12 final action. See Footnote <sup>1</sup>	
<b>HI (EPA R9)</b>	FIP in 2012	N/A	N/A	
<b>ID</b>	Done – Response to Comments 308 SIP Oct. 15 2010	Submitted Oct. 29, 2010	Jan 5, 2011 Proposed approval of RH rules. Jan 11, 2011 Proposed approval of several sections of RH SIP	On 6/22/11 EPA approved Idaho Regional Haze plan as meeting the requirements of section 110(a)(2)(D)(i)(II) of the CAA with respect to the 1997 8-hour ozone and 1997 PM 2.5 NAAQS. EPA also approved Idaho’s submittal as meeting the requirements of 51.308(d)(2) and (4)(v) regarding the calculation of baseline and natural conditions for Craters of the Moon National Monument, Sawtooth Wilderness Area, and Selway-Bitterroot Wilderness Area, and the statewide inventory of emissions. See Fed. Reg. 15452/approval-and-promulgation-of-implementation-plans-state-of-idaho-regional-haze-state-implementation#p-105 <a href="http://www.federalregister.gov/articles/2011/06/22/2011-">http://www.federalregister.gov/articles/2011/06/22/2011-</a>

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				Outstanding issues: Amalgamated Sugar is proposing to change the EPA approved BART controls with a better than BART alternative.
<b>MT (EPA R8)</b>	FIP in 2012	N/A	Consent Decree 1/20/2012 NPR, 6/29/2012 final action on FIP. See Footnote <sup>1</sup>	
<b>NV</b>	Done	Submitted November 18, 2009	Notice published in FR on June 22 of Proposed full Approval of RH SIP	
<b>NM</b>	June 2011	June 2011		EPA issued 110(a)(2)(D)(i)(II) FIP for the 1997 ozone & PM 2.5 standards in August 2011 that included BART for Regional Haze. NM is appealing this decision.
<b>Albuquerque</b>	Done	Done		
<b>ND</b>	Done	SIP Submitted March 2010	Consent Decree 7/21/2011 NPR, 1/26/2012 final action. EPA proposed partial approval and partial disapproval of the SIP plus a proposed FIP on Sept. 21, 2011. Comments are due by Nov. 21, 2011. See Footnote <sup>1</sup>	Public hearing on EPA's proposed FIP was held Oct. 13 and 14 <sup>th</sup> .
<b>OR</b>	Done	Initially submitted in June 2009, then BART portion revised and resubmitted in Dec 2010	Approval of the BART, EI, baseline, and natural conditions portions of the SIP published in FR in July 2011. No action on Reasonable Progress portion.	EPA action expected by mid-2011, and published in FR, on the remaining portion of the SIP
<b>SD</b>	Done	Submitted on January 21, 2011. Revised and submitted on September 19, 2011	Anticipate proposed approval for FR publication at the end of November 2011. If no comments are received, anticipate final approval issued in March 2012 and be effective in April 2012.	

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<b>UT</b>	309 SIP completed in 2003. Revisions to the SO <sub>2</sub> milestones and the determination of BART for NO <sub>x</sub> and PM completed in 2008. Revisions to the SO <sub>2</sub> milestones completed in 2011.	Submitted December 2003, September 2008, and May 2011.	EPA has signed a consent decree to propose action on Utah's SIP by April 30, 2012 with final action by October 31, 2012.	In October 2011 EPA issued a section 114 letter to PacifiCorp requesting a BART analysis for NO <sub>x</sub> and PM in 30 days. EPA claims that Utah did not do a 5-factor BART analysis, even though Utah's SIP contains a 5-factor analysis based on EPA's technical support document for the BART rule. Utah relied on the presumptive BART limits for NO <sub>x</sub> in the BART rule. EPA has not taken any formal action to document why they believe Utah's reliance on the presumptive BART limits is inadequate.
<b>WA</b>	Done	January 2011	EPA's target is November 2012	A 2011 law requires WA to update the TransAlta BART decision with the SIP. WA will complete this update and submit it to EPA by end of 2011.
<b>WY</b>	Done SIPs adopted at State level 1/12/11	Submitted January 2011	Consent Decree 4/15/2012 NPR, 10/15/2012 final action. See Footnote <sup>1</sup>	Wyoming and EPA R8 unable to reach agreement on 6 BART decisions.
<b>Tribal Source Four Corners Power Plant (EPA R9)</b>	N/A	N/A	08/28/2009 ANPR (74 FR 44313) 10/19/2010 Proposed Rule/FIP (75 FR 64221) 02/25/2011 Supplemental Proposal/FIP (76 FR 10530) Public Meetings March 2011 05/02/2011 Close of Public Comment Period	Expect Final Rule (FIP) in late 2011/early 2012
<b>Tribal Source Navajo Generating Station (EPA R9)</b>	N/A	N/A	08/28/2009 ANPR (74 FR 44313)	Expect Proposed Rule (FIP) in late Spring 2012
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<sup>1</sup> On June 15 EPA published in the Federal Register, Notice of Proposed Consent Decree, consolidating several complaints by WildEarth Guardians, National Parks Conservation Association, and the Environmental Defense Fund, vs. EPA regarding EPA actions on rule amendments by ND, and Regional Haze SIP submittals by ND, WY, MT (FIP), and CO. Individual deadlines are established for EPA to take action on the relevant SIPs or promulgate FIPs.