

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

February 15, 2013

	SIP Adoption(s)	SIP Submitted to EPA	EPA action on submittal	Ongoing Issues, Current Status
<p style="text-align: center;">AK</p> <p style="text-align: center;">Regional haze website</p>	Done. State adopted Feb 11, 2011. Filed with state effective date of April 13, 2011.	Submitted March 29, 2011	EPA published NFR in Federal Register 2/14/2013 approving AK SIP	Preparing for mid-course review due in 2016.
<p style="text-align: center;">AZ</p> <p style="text-align: center;">Regional haze website</p>	Done	Submitted February 28, 2011	<p><u>Phase 1:</u> 7/20/2012 EPA NPR, partial approval/partial disapproval on BART; 12/5/2012, EPA NFR, partial approval/partial disapproval on BART to control emissions from eight units at Apache Generating Station, Cholla Power Plant and Coronado Generating Station and to promulgate a FIP.</p> <p><u>Phase 2:</u> 12/21/2012 EPA NPR, partial approval/partial disapproval on all portions of the SIP, except for the 3 EGUs addressed in Phase 1</p>	Phase 1: BART Phase 2: Reasonable Progress In Consultation with EPA Region 9
<p style="text-align: center;">CA</p> <p style="text-align: center;">Regional haze website</p>	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 March 2014 submittal deadline
<p style="text-align: center;">CO</p> <p style="text-align: center;">Regional haze website</p>	RH SIP was adopted by the AQCC in January 2011 and passed Legislative Review Spring 2011	Submitted May 25, 2011	Full approval published in FR 12/31/2012 See Footnote ² .	

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<p>HI (EPA R9, NPS) Regional haze website</p>		<p>EPA proposed FIP on May 16, 2012, and posted in the FR May 29, 2012</p>	<p>Final FIP signed on September 14, 2012, and published in the FR on October 9, 2012</p>	
<p>ID Regional haze website</p>	<p>Done – Response to Comments 308 SIP Oct. 15 2010</p>	<p>Submitted Oct. 29, 2010</p>	<p>Nov. 8 2012 FR notice of approval of Idaho Regional Haze SIP .</p>	<p>DEQ is developing proposed changes in approved SIP to incorporate BART alternative for Amalgamated Sugar (TASCO) facility</p>
<p>MT (EPA R8) Regional haze website</p>	<p>Done</p>	<p>MT SIP revision submitted 2/17/12 - MT Visibility Plan related to open burning and smoke management. EPA developed a FIP in response to the state’s decision in 2006 to not submit a regional haze SIP.</p>	<p>See Footnote ² EPA signed a Federal Register notice on 8/15/2012, finalizing its proposed FIP.</p>	<p>Nov 14 lawsuit filed by Sierra Club and NPCA challenging EPA final action. Nov 16 lawsuit filed by MT PPL challenging final action. Cases have been consolidated</p>
<p>NV Regional haze website</p>	<p>Done</p>	<p>Submitted November 18, 2009</p>	<p>March 26, 2011 FR published final rule approving entire SIP <u>EXCEPT BART</u> for <u>NOx</u> at Reid Gardner GS. August 23, 2012 FR final rule BART for Reid Gardner GS</p>	<p>NV & EPA negotiated the FIP. EPA departed from agreed compliance deadline, giving RGGS 2 years 3 months to comply. This stringent deadline is being challenged.</p>
<p>NM Regional haze website</p>	<p>June 2011</p>	<p>June 2011</p>	<p>EPA approved NM’s SIP (6/15/12 FR), but took no action on the BART determination, letting the BART FIP under 110(a)(2)(D)(i)(II) stand.</p>	<p>EPA granted stay (expired 11/29/12) of the FIP (10/24/12 FR) as requested by Governor Martinez to develop alternative BART determination. Negotiations are ongoing. WildEarth Guardians submitted a petition for review on 12/27/12.</p>

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<p>Albuquerque</p> <p>regional haze website</p>	Done	Done		
<p>ND</p> <p>Regional haze website</p>	Done	SIP Submitted March 2010	See Footnote ² . EPA signed a Federal Register notice on March 2, 2012 which approved most of the SIP. EPA also finalized a FIP for additional NOx controls on two BART units and two reasonable progress units.	ND has filed an appeal of the FIP with the U.S. 8 th Circuit Court of Appeals. The BART FIP affected company and several environmental groups have also filed appeals. Opening briefs have been filed. EPA has granted the environmental group's petition for reconsideration of EPA's approval of BART for NOx at three units.
<p>OR</p> <p>Regional haze website</p>	Done	Initially submitted in June 2009, then BART portion revised and resubmitted in Dec 2010	Part of plan was approved in FR in July 2011, and remaining part approved August 2012.	None
<p>SD</p> <p>Regional haze website</p>	Done	Submitted on January 21, 2011. Revised and submitted on September 19, 2011	EPA issued final rulemaking approving the SD RH SIP on April 26, 2012.	
<p>UT</p> <p>Regional haze website</p>	309 SIP completed in 2003. Revisions to the SO ₂ milestones and the determination of BART for NOx and PM completed in 2008. Revisions to the SO ₂ milestones completed in 2011..	Submitted December 2003, September 2008, and May 2011.	12/14/2012 EPA approved the section 309 RHSIPs submitted in 2003, 2008 and 2011 and disapproved BART for NOx and PM for 2 sources.	In October 2011 EPA issued a section 114 letter to PacifiCorp requesting a BART analysis for NOx and PM in 30 days. Utah is working with PacifiCorp to complete a new 5-factor analysis as a result of the section 114 letter.

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<p>WA</p> <p>Regional haze website</p>	<p>January 2011 Update SIP - to TransAlta BART required by a 2011 state law –December 2011</p>	<p>SIP - January 2011 BART update – December 2011</p>	<p>December 6, 2012 EPA issued final rulemaking to approve the TransAlta BART. On December 26, 2012 EPA proposed a partial approval and partial disapproval of WA’s RH SIP. EPA also proposed a FIP for two BART facilities.</p>	
<p>WY</p> <p>Regional haze website</p>	<p>Done SIPs adopted at State level 1/12/11</p>	<p>Submitted January 2011</p>	<p>Consent Decree 5/15/2012 NPR, 10/15/2012 final action. See Footnote².</p>	<p>EPA has been granted an extension on a consent order deadlines for 309g only. New deadlines are March 2013 to re-propose their action and October of 2013 for final action.</p>
<p>Tribal Sources (EPA-Four Corners Power Plant)</p> <p>EPA Website</p>	<p>N/A</p>	<p>N/A</p>	<p>August 24, 2012 EPA published final rule (FIP) for Four Corners Power Plant</p>	
<p>Tribal Sources (EPA-Navajo Generating Station)</p> <p>EPA Website</p>	<p>N/A</p>	<p>N/A</p>	<p>08/28/2009 ANPR (74 FR 44313)</p>	<p>Proposed controls announced January 18, 2013. SCR for NOx; Additional 5 years to comply – 2023. 90-day public comment starts upon NPR publication</p>

¹ On June 15, 2011 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.

² On January 10, 2012 EPA and WildEarth Guardians filed in Colorado district court a stipulation to extend four deadlines in consent decree published in the Federal Register on June 15, 2011, 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.