

## TOPIC TITLE: REGIONAL HAZE

*Division: Air and Radiation Division*

*Issue Paper Contacts: Clayton Bean, Holly DeJong, Jaslyn Dobrahner, Joe Stein*

## ISSUE SUMMARY

Every ten years, states are required to develop new Regional Haze plans that will be submitted to EPA as state implementation plan (SIP) revisions to improve and protect visibility in national parks and wilderness areas (Class I areas) across the nation.

## KEY POINTS

- In 2022, the EPA received regional haze second planning period (2021-2028) SIPs from all six Region 8 states, and we determined these SIPs to be complete on August 23, 2022.
- Several organizations and states sued the EPA for failing to act on the SIPs within the Clean Air Act statutory timeframe of 12 months after the Agency determined the SIPs to be complete. The parties have reached agreement on a consent decree establishing deadlines for the EPA's final action on the SIP submissions.
- EPA must issue final actions on North Dakota, Utah, and Wyoming regional haze second planning period plans by the consent decree deadline of November 22, 2024.
  - North Dakota: In July 2024 Region 8 proposed to partially approve and partially disapprove North Dakota's Round 2 plan.
  - Wyoming: In August 2024 Region 8 proposed to partially approve and partially disapprove Wyoming's Round 2 plan.
  - Utah: In August 2024 Region 8 proposed to partially approve and partially disapprove Utah's Round 2 plan.
- Additionally, Region 8 has outstanding obligations for regional haze first planning period.
  - North Dakota: In August of 2024 the Region 8 proposed to approve North Dakota's nitrogen oxide (NO<sub>x</sub>) BART determination for Coal Creek Station power plant for the first implementation period of the regional haze program. This action addresses the United States Court of Appeals for the Eighth Circuit's September 23, 2012 vacatur and remand of the portion of the EPA's 2012 Regional Haze FIP promulgating a BART emission limit of 0.13 lb/MMBtu NO<sub>x</sub> for Coal Creek.
  - Wyoming: In April 2024, EPA published a notice of proposed rulemaking to approve Wyoming's SIP revision for the Jim Bridger power plant, Units 1 and 2. The SIP revision replaces Wyoming's previously approved source-specific NO<sub>x</sub> determination of 0.07 lb/MMBtu for each unit associated with the installation of selective catalytic reduction (SCR) controls to address the long-term strategy. Separately, we also proposed to approve Wyoming's monthly and annual NO<sub>x</sub> and sulfur dioxide (SO<sub>2</sub>) emissions limits for Jim Bridger Units 1-4.

- Wyoming: In August 2023, the U.S. Court of Appeals for the Tenth Circuit ruled on our 2014 final rule for Wyoming's regional haze plan. Several parties filed petitions for review challenging portions of the rule related to NO<sub>x</sub> best available retrofit technology (BART) determinations for several facilities. The Court upheld the EPA's approval of Wyoming's NO<sub>x</sub> BART determination for Naughton Units 1 and 2 and vacated and remanded the EPA's disapproval of Wyoming's NO<sub>x</sub> BART determination (and the EPA's subsequent promulgation of a FIP emission limit) for Wyodak.

## ONGOING/UPCOMING REVIEWS FOR FY25

- Per the consent decree, EPA must take final action on the SIP submissions by the following deadlines:
  - November 22, 2024: North Dakota, Utah, Wyoming
  - July 31, 2025: Colorado, South Dakota
  - November 30, 2025: Montana
- In addition, we expect to finalize regional haze actions related to the first planning period for North Dakota (Coal Creek) and Wyoming (Jim Bridger) in FY25.

## REGION 8 LEADS AND KEY HQ CONTACTS

*Region 8 Contacts:* Adrienne Sandoval ([Sandoval.adrienne@epa.gov](mailto:Sandoval.adrienne@epa.gov)), Kerri Fiedler ([fiedler.kerri@epa.gov](mailto:fiedler.kerri@epa.gov)), Scott Jackson ([jackson.scott@epa.gov](mailto:jackson.scott@epa.gov)), Clayton Bean ([bean.clayton@epa.gov](mailto:bean.clayton@epa.gov)), Holly DeJong ([dejong.holly@epa.gov](mailto:dejong.holly@epa.gov)), Jaslyn Dobrahner ([Dobrahner.jaslyn@epa.gov](mailto:Dobrahner.jaslyn@epa.gov)), Joe Stein ([stein.joseph@epa.gov](mailto:stein.joseph@epa.gov)), Leslie Coleman, Office of Regional Counsel ([coleman.leslie@epa.gov](mailto:coleman.leslie@epa.gov)), Barbara Nann, Office of Regional Counsel ([nann.barbara@epa.gov](mailto:nann.barbara@epa.gov))

*HQ Contacts:* Brian Timin, Office of Air Quality Planning and Standards ([timin.brian@epa.gov](mailto:timin.brian@epa.gov)), Emily Seidman, Office of General Counsel ([seidman.emily@epa.gov](mailto:seidman.emily@epa.gov))

## KEY EXTERNAL STAKEHOLDERS

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| <input checked="" type="checkbox"/> Congress             | <input checked="" type="checkbox"/> Industry | <input checked="" type="checkbox"/> States            | <input type="checkbox"/> Tribes            | <input type="checkbox"/> Media |
| <input checked="" type="checkbox"/> Other Federal Agency | <input checked="" type="checkbox"/> NGO      | <input checked="" type="checkbox"/> Local Governments | <input checked="" type="checkbox"/> Public |                                |

## MOVING FORWARD

- The EPA is preparing for the third regional haze planning period (2028-2038) by soliciting feedback from stakeholders on potential regional haze rule revisions.
- EPA will need to address the Court's 2023 remand of the Wyodak NO<sub>x</sub> BART determination. There is no firm date by which EPA needs to act.