

UTAH STATE IMPLEMENTATION PLAN

SECTION XXIII

INTERSTATE TRANSPORT

**TO SATISFY THE REQUIREMENTS OF CLEAN AIR ACT
110(a)(2)(D)(i)
FOR THE 8-HOUR OZONE AND PM2.5 NAAQS
PROMULGATED IN JULY 1997**

**Adopted by the Utah Air Quality Board
February 7, 2007**

UTAH STATE IMPLEMENTATION PLAN

SECTION XXIII

A. Introduction

The Clean Air Act, §110(a)(2)(D)(i), requires that each state implementation plan (SIP) submitted to EPA must address emissions that affect other states through interstate transport. In addition, states must ensure that no SIP interferes with another state's program to prevent significant deterioration of its air quality, or interferes with visibility in another state. Until August 2006, there had been no EPA guidance as to the appropriate scope of such a SIP.

On April 25, 2005, in response to a lawsuit, EPA published (70 FR 21147) a finding that states had failed to submit SIPs meeting the requirements of 110(a)(2)(D)(i) within three years after EPA issued new National Ambient Air Quality Standards (NAAQS) for ozone and PM_{2.5} in 1997. The finding requires that EPA issue a Federal Implementation Plan (FIP) for any state that does not submit a SIP and obtain EPA approval of it by May 25, 2007.

On August 15, 2006, EPA issued final guidance to states for preparation of SIPs that satisfy the 110(a)(2)(D)(i) requirements, and, on September 11, 2006, added a supplement to the guidance.

There are four components of 110(a)(2)(D)(i) that must be addressed. The first two, demonstrating adequate provisions to prevent emission from Utah from interfering with attainment or maintenance of the federal NAAQS in any other state, are discussed together in Part B below. The requirement that Utah show no interference with another state's program to prevent significant deterioration of its air quality is found in Part C below, and discussion of Utah's influence on visibility is found in Part D below.

B. Nonattainment and Maintenance Area Impact

The "good neighbor" provisions of §110(a)(2)(D)(i) require that state SIPs prohibit

any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--

(I) contribute significantly to nonattainment in, or interference with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard...

To demonstrate that emissions from Utah do not contribute to nonattainment or interfere with maintenance of the ozone or PM_{2.5} standards issued in 1997, Utah relies on the modeling work conducted by EPA to determine which states should be included in the Clean Air Interstate Rule (CAIR). CAIR was proposed on January 30, 2004 at 69 FR 4566. In its CAIR proposal, EPA stated:

In analyzing significant contribution to nonattainment, we determined it was reasonable to exclude the Western U.S., including the States of Washington, Idaho, Oregon, California, Nevada, Utah and Arizona from further analysis due to geography, meteorology, and topography. Based on these factors, we concluded that the PM 2.5 and 8-hour ozone nonattainment problems are not likely to be affected significantly by pollution transported across these States' boundaries. Therefore, for the purpose of assessing State's contributions to nonattainment in other States, we have only analyzed the nonattainment counties located in the rest of the U.S.¹

In addition, EPA addressed the modeling methodology and its determination that western states did not contribute to nonattainment or maintenance of the PM2.5 standard in other states:

Regarding modeling of all States, in the PM2.5 modeling for the NPRM, we modeled 41 States, and found that the westernmost of these States made very small contributions to nonattainment in any other State.² For the revised modeling for the final rule, we reduced the set of States modeled [to 37 for PM] for reasons of efficiency.³ The results again showed that the westernmost States modeled did not make contributions above the significance threshold, indicating that had other even more western States been modeled they also would not have done so.⁴

Based on the conclusions stated by the EPA in the above-cited guidance, the State of Utah agrees that emissions from Utah do not significantly affect nonattainment or maintenance areas in other states.

C. Impact on PSD

In § 110(a)(2)(D)(i)(II), the Clean Air Act requires that states prohibit emissions within the state from interfering "with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality..."

EPA guidance indicates that states with SIPs addressing Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) have adequately demonstrated that they do not affect PSD implementation in other states:

For the 8-hour ozone standard, each State only needs to make a SIP submission that confirms that major sources in the State are currently subject to PSD and NNSR permitting programs that apply to the 8-hour ozone standard and that SIP-approved States are on track to meet the June 15, 2007 deadline for SIP submissions adopting the requirements of the Phase II ozone implementation rule.

¹ Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule Preamble, 69 FR at 4581, January 30, 2004, first full paragraph, middle column.

² The 9 westernmost states that were NOT modeled for the NPRM are Idaho, Washington, Oregon, Nevada, California, Utah, Nevada, Alaska, and Hawaii.

³ The additional 4 states NOT modeled for the final rule are Montana, Wyoming, Colorado, and New Mexico.

⁴ Corrected Response To Significant Public Comments On the Proposed Clean Air Interstate Rule, March 2005, Corrected April 2005, Document ID No. EPA-HQ-2003-0053-2172, pages 200-201.

For the PM-2.5 standard, States need only provide a SIP submission that confirms that major sources in the State are subject to PSD and NNSR permitting programs implemented in accordance with EPA's interim guidance calling for use of PM-10 as a surrogate for PM-2.5 in the PSD and NNSR programs.⁵

Utah has a fully-approved PSD and NNSR program, and has successfully implemented these programs for many years. Utah's PSD SIP was revised effective June 16, 2006, to conform with the federal NSR Reform rules. These changes have been submitted to EPA but are not yet approved. Until they are, the previously-approved versions are federally enforceable. Utah will update the NNSR program when EPA's PM_{2.5} implementation guidance is finalized. Utah will implement the current rules in accordance with EPA's interim guidance using PM₁₀ as a surrogate for PM_{2.5} in the PSD and NNSR programs.

Based on the conclusions stated by the EPA in the above-cited guidance, the State of Utah concludes that Utah's PSD SIP and NNSR rules ensure that Utah does not interfere with PSD implementation in other states.

D. Effects on Visibility

The final requirement of § 110(a)(2)(D)(i)(II) is that states prohibit emissions within the state from interfering with the programs of other states to protect visibility. In 1980, EPA issued regulations that required states to address reasonably attributable visibility impairment (RAVI). EPA's guidance states that:

At this point in time, EPA has made no determination that emissions from any State interfere with measures required to be included in a plan to address reasonably attributable visibility impairment. Further, EPA is not aware of any certification of existing reasonably attributable impairment of visibility by a Federal Land manager that has not already been resolved. The EPA accordingly believes that States should be able to make a relatively simple SIP submission verifying that no source within the State emits pollutants that interfere with measures included in the visibility SIPs under the 1980 regulations.⁶

Based on the conclusions stated by the EPA in the above-cited guidance, the State of Utah concludes that there are no Utah sources of emissions that interfere with implementation of RAVI SIPs in other states.

SIPs to address regional haze, the transported pollution that affects visibility in federally protected areas, are not due until December 17, 2007. Therefore, EPA's guidance states that:

EPA believes that it is currently premature to determine whether or not State SIPs for 8-hour ozone or PM2.5 contain adequate provisions to prohibit emissions that interfere

⁵ SIP Guidance on Section 110(a)(2)(D)(i) Findings of Failure to Submit, August 11, 2006, page 2.

⁶ Guidance for State Implementation Plan Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards, EPA, August 15, 2006, page 9.

with measures in other States' SIPs designed to address regional haze. Accordingly, EPA believes that States may make a simple SIP submission confirming that it is not possible at this time to assess whether there is any interference with measures in the applicable SIP for another State designed to "protect visibility" for the 8-hour ozone and PM2.5 NAAQS until regional haze SIPs are submitted and approved.⁷

Because Utah submitted its first Regional Haze SIP to EPA in December 2003 under 40 CFR 51.309, Utah has already demonstrated reasonable progress in reducing impacts on Class I areas on the Colorado Plateau. The 2007 SIP update will analyze any impacts from Utah that extend beyond the Colorado Plateau and determine appropriate long-term strategies for control measures.

⁷ *Guidance for State Implementation plan Submissions to Meet Current Outstanding Obligations Under Section 110(a)(2)(D)(i) for the 8-Hour Ozone and PM2.5 National Ambient Air Quality Standards*, August 15, 2006. Pages 9-10.