

# Regional Haze/Utah: U.S. Environmental Protection Agency Announces Approval of Revisions to State Implementation Plan

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The United States Environmental Protection Agency (“EPA”) announced in the January 22, 2020 Federal Register that it was proposing to approve revisions to the State of Utah’s plan for addressing regional haze.

The proposed approval addresses:

- controls previously proposed by Utah for the PacifiCorp Hunter and Huntington power plants, and
- memorialization of the permanent closure and cessation of operations of the Carbon power plant.

EPA concurrently states it is proposing to withdraw a portion of the previously promulgated federal regional haze plan for Utah.

The federal regional haze program is driven by 169A of the Clean Air Act. Congress sought to address visibility in Mandatory Class I federal areas in which an impairment results from manmade air pollution.

Section 169A requires that certain sources contributing to visibility impairment install Best Available Retrofit Technology (“BART”). The states are responsible for determining the appropriate BART controls for certain stationary sources. EPA reviews the states’ State Implementation Plan (“SIP”) submissions for consistency with the relevant regulations.

In the event EPA determines that an SIP does not meet the Clean Air Act’s requirements, the federal agency may itself make certain choices and impose a Federal Implementation Plan (“FIP”). Section 169A gives states substantial responsibility to determine appropriate BART controls and EPA may not disapprove reasonable state determinations that comply with the relevant statutory and regulatory requirements.

EPA had previously imposed a Regional Haze FIP on Utah.

A copy of the Federal Register notice can be found [here](#).