

Regional Haze: U.S. Environmental Protection Agency Announces Approval of Louisiana State Implementation Plan



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The United States Environmental Protection Agency (“EPA”) issued a December 15th news release announcing approval of the State of Louisiana’s Clean Air Act Regional Haze State Implementation Plan (“SIP”).

Particulate matter emissions are the major cause of reduced visibility (haze) in the United States.

The federal regional haze requirements are driven by Section 169A of the Clean Air Act. Congress sought to address visibility issues in mandatory Class I federal areas in which impairment results from manmade air pollution. Class I federal areas include certain national wilderness areas and national parks.

Section 169A requires that certain sources contributing to visibility impairment install best available retrofit technology (“BART”). States must review all major stationary sources built between 1962 and 1977 to determine whether the source “emits any air pollutant which may reasonably be anticipated to cause or contribute any impairment or visibility in” any Class I area. The states are then responsible for determining the appropriate BART controls for each source.

EPA reviews the states’ State Implementation Plan (“SIP”) submissions for consistency with the statute and regulations. If EPA determines that an SIP does not meet the Clean Air Act’s requirements, the federal agency may itself determine BART and impose an SIP. While Section 169A gives states substantial responsibility to determine appropriate BART controls, the federal agency may not disapprove reasonable state determinations that comply with the relevant statutory and regulatory requirements.

EPA states it is determined that the Louisiana SIP “establishes goals to make reasonable progress toward reducing haze, a long-term strategy and technical requirements for electric-generating and non-electric-generating units to meet requirements of the federal Clean Air Act’s Regional Haze Rule.”

[A copy of the news release can be downloaded here.](#)