

**Finding of Failure to Submit State Implementation Plans Required by the
1999 Regional Haze Rule
Fact Sheet**

ACTION

- On January 9, 2009, the U.S. Environmental Protection Agency (EPA) signed a *Federal Register (FR)* notice making a finding of failure to submit all or a portion of their regional haze State Implementation Plans (SIPs) for 37 states, the District of Columbia, and the Virgin Islands. The SIPs were due from the states by December 17, 2007 and are designed to improve air quality in national parks and wilderness areas.
- This notice identifies states that have :
 - failed to make a SIP submission;
 - made a SIP submission that does not meet one or more of the required elements
- For those states that have yet to make a submission, or that have made a submission that does not include particular SIP elements, EPA is making a "finding of failure to submit." This FR notice initiates a 2-year deadline for EPA to issue a Federal Implementation Plan or FIP; the 2-year period is referred to as the "FIP clock." The FIP will provide the basic program requirements for each State that has not completed an approved plan of their own by January 15, 2011.
- For those states that have submitted SIPs but have failed to address specific SIP elements, the FR notice and the FIP pertain only to those required elements.
- EPA must approve the State's plan before the FIP clock is turned off. This notice **does not** initiate sanctions.
- This action is taken in response to a lawsuit filed by Earthjustice in October 2008 because the agency had not taken action against the states for failure to make the required submissions.

BACKGROUND

- Congress established as a national goal the prevention of any future, and the resolution of any existing, impairment of visibility in mandatory class I Federal areas when impairment results from manmade air pollution.
- In 1999, EPA promulgated regulations (40 CFR 51.308 and 51.309) that provided the requirements for states to develop and submit SIPs to address regional haze. The regional haze SIPs were due to EPA by December 17, 2007.
- Among the required elements of the SIPs, states must include determinations of Best Available Retrofit Technology (BART) and long term strategies to ensure that reasonable

progress is being made to meet the national goal by 2064. *See* 64 FR 35714 and 70 FR 39104

STATUS OF STATE PLANS

- The following 34 states/territories/districts failed to submit SIPs that satisfy the basic program requirements of the 1999 regional haze rule:

Alaska, California, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, U.S. Virgin Islands, Virginia, Washington, and Wisconsin.

- The following 5 states submitted SIPs to satisfy some, but not all of the basic program requirements of the 1999 regional haze rule:

Arizona, Colorado, Michigan, New Mexico, and Wyoming.

- The following 14 states/districts submitted complete SIPs or certification letters:
Alabama, Albuquerque/Bernalillo County New Mexico, Arkansas, Delaware, Iowa, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Utah, West Virginia

FOR MORE INFORMATION

- For further information concerning this action, contact Mr. Todd Hawes of EPA's Office of Air Quality Planning and Standards at (919) 541-5591.