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# STATE OF COLORADO

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Douglas H. Benevento, Acting Executive Director

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Colorado Department  
of Public Health  
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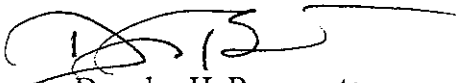
To Whom It May Concern:

Subject: Annual WRAP Report Update

In fulfillment of the requirements of C.R.S. 25-7-137, attached is the annual report updating the legislature on activities of the Western Regional Air Partnership and the Regional Haze program.

If you have any questions about this report, please contact Margie Perkins, Director, Air Pollution Control Division at (303) 692-3115 or Steve Arnold, Deputy Director at (303) 692-3220, Colorado Department of Public Health and Environment (CDPHE).

Sincerely,

  
Douglas H. Benevento  
Acting Executive Director

Attachment

cc: Margie Perkins, Director, Air Pollution Control Division, CDPHE  
Steve Arnold, Deputy Director, Air Pollution Control Division, CDPHE



## DOCUMENT INFORMATION

Title: Report to the Legislature Concerning  
Regional Haze

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Colorado Department  
of Public Health  
and Environment

## **Regional Haze Annual Report**

### **Annual Report C.R.S. 25-7-137**

Submitted to the Colorado Legislature  
by the Division of Air Quality  
Colorado Department of Public Health and Environment  
December 27, 2002



## **Introduction**

This annual report is provided to the Colorado General Assembly as an update by the Colorado Department of Public Health and Environment and its Air Pollution Control Division regarding regional haze and the Western Regional Air Partnership process. This report is intended to meet the requirements of C.R.S. 25-7-137, which directs the department to produce an annual report to the General Assembly.

## **Background**

### **Regional Haze and Clean Air Act Amendments in Class I Areas**

Visibility in Colorado's Class I areas, which include national parks and wilderness areas in existence as of 1977, is among the best in the country. These vistas exist due to unique combinations of topography and scenic features, low humidity in the western states and minimal levels of visibility-degrading pollutants. In 1977, the U.S. Congress set a national goal in the nation's Class I areas of remedying existing visibility impairment, and preventing future impairment, from manmade air pollution. The 1990 Federal Clean Air Act directed the Environmental Protection Agency to develop regional haze rules aimed at widespread haze from a multitude of sources such as mobile sources, burning activities and industrial processes.

### **The Grand Canyon Visibility Transport Commission**

The Environmental Protection Agency established the Grand Canyon Visibility Transport Commission on November 13, 1991, to provide policy recommendations to address regional haze visibility impacts in 16 Class I areas on the Colorado Plateau, including six of the 12 Class I areas in Colorado. The Grand Canyon Visibility Transport Commission states included Colorado, Nevada, Arizona, Utah, Idaho, New Mexico, Oregon, Wyoming and California. These states worked within a stakeholder process for over four years and issued recommendations in June 1996. Generally, the recommendations were conceptual and directional suggestions that reflect broad-based, multi-stakeholder agreements regarding approaches for mitigating regional haze in the West. The primary recommendations focused on air pollution prevention; clean air corridors; stationary sources, areas in and near parks; mobile sources; road dust; emissions from Mexico; fire; and the establishment of a future coordinating entity. The Grand Canyon Visibility Transport Commission had

no regulatory authority, but Congress did direct the Environmental Protection Agency to consider the work done by the western states in the development of a national regional haze rule.

#### **Western Regional Air Partnership the Grand Canyon Visibility Transport Commission Successor Organization**

Recognizing the need for a process to monitor and coordinate the implementation of its recommendations, the Grand Canyon Visibility Transport Commission voted to create the Western Regional Air Partnership. The successor organization was formed in July 1997. The organization is an advisory body designed to provide coordination and planning for regional haze programs within a setting of broad stakeholder involvement. The Western Regional Air Partnership has no regulatory authority. Individual states, through their legislatures and rulemaking bodies, ultimately will decide what approaches are appropriate in developing state implementation plans.

### **Final Regional Haze Rule Published July 1, 1999 and Subsequent Litigation**

#### **Basic Framework of the Final Regional Haze Rule**

The EPA signed the final Regional Haze rule on April 22, 1999, and the rule was published in the Federal Register on July 1, 1999. The rule provides states with two choices for the development of the Regional Haze State Implementation Plans. The choices are referred to as Sections 308 and 309. Both approaches require states to develop plan elements for each Class I area in their state. Under the two options, there are differences in the time for plan submittal and differences in the approach to meeting long-term goals.

#### **Litigation of the Final Regional Haze Rule**

Subsequent to the adoption of the rule in 1999, a lawsuit was filed contending that EPA had overstepped its authority in the establishment of the rule and misused the application of a process referred to as Best Available Retrofit Technology. Litigants argued that this process was structured in such a way as to eliminate state authority to fully consider the application of Best Available Retrofit Technology. In 2002, the



U.S. Supreme Court ruled on the case. In essence, the court sided with EPA on their ability to establish the standards and adopt the rules related to the implementation of the regional haze portion of the visibility program. The court sided with the litigants on the issue of the application of the Best Available Retrofit Technology process. The court ordered EPA to rewrite the Best Available Retrofit Technology portion of the rules and adopt new directions for states to follow in the implementation of this program. EPA expects to complete the rewrite in two years.

## **Update of Western Regional Air Partnership and the Colorado Stakeholder Process**

### **Western Regional Air Partnership 2002 Highlights**

The primary focus of the Western Regional Air Partnership has been the preparation of information to be used in the development of an implementation plan that meets the requirements set forth in the section 309 option of the rule. States that choose the 309-option must submit plans to EPA no later than December 31, 2003. States that choose the 308 option are required to submit plans in 2005 or 2006. Several activities have resulted in products that will provide states with valuable tools and information to use in the development of either section 308 or section 309 implementation plans. Most notable are the development and refinement of planning tools and templates, development of inventories for mobile, stationary and area sources contributing to regional haze, and computer modeling simulations of contaminant transport and dispersion. The Western Regional Air Partnership board met in November to review the work of the past year; to identify issues requiring additional effort; and to approve the workplan for the coming year. More detailed descriptions of the Western Regional Air Partnership's work can be accessed on the internet at [www.wrapair.org](http://www.wrapair.org).

### **Colorado Stakeholder Process 2002 Highlights**

In 2002, the Colorado Air Quality Control Commission completed a two-year stakeholder process to develop a recommendation for the planning process that Colorado might follow. A Regional Haze White Paper was developed and presented to the stakeholders, which offered pros and cons of implementing the two major options. The commission has made an official recommendation to the

Colorado Department of Public Health and Environment's executive director that the 308 planning option be followed. If the Governor and the members of the Colorado Legislature agree with these recommendations, a plan for each of the 12 Class I areas, which will be due in 2005 or 2006, will be prepared. ~~The plan is due in 2005 or 2006.~~ The Regional Haze White Paper and the recommendation of the Air Quality Control Commission are attached to this report.

## **Conclusion**

The Colorado Department of Public Health and Environment looks forward to working with the Colorado Legislature, stakeholders and rule-making bodies to develop a plan that will result in an environmentally effective and cost effective approach for protecting visibility in Colorado's spectacular landscapes.