



June 26, 2006

Mr. Bill Wehrum
Acting Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency
Ariel Rios Building North, Room 5406
Mail Code: 6101A
Washington, DC 20460

RE: Regional Haze Regulations - Revisions to Provisions Governing Alternatives to Source-Specific Best Available Retrofit Technology (BART) Determinations

Dear Mr. Wehrum:

In April 2005, Jeff Holmstead wrote me and stated EPA's intent to issue a final rule by November 8, 2005 for alternatives to source-specific BART in response to the remand in the CEED case (see attachment).

We are now more than seven months past that date, though I understand that last month EPA sent the final rule to OMB for review and that the rule will be published upon completion of that process. I am writing to ask for your assistance with encouraging OMB to complete its review as quickly as possible and for EPA to publish the final rule as soon as possible thereafter.

Five Western states submitted the nation's first ever regional haze SIPs in December 2003, including a market-based approach to addressing sulfur dioxide emissions from large industrial sources. While the court invalidated some of the provisions on which these plans were based, the states still believe the sulfur dioxide program under Section 309 of the regional haze regulations represents good environmental policy for the West. Therefore, all five states are working on necessary revisions and intend to submit appropriately revised Section 309 plans next year.

In order to complete the revisions to our plans in a timely manner, it is critical that EPA publish the final rule on BART alternatives as soon as possible. Any help you can provide in moving the process along a bit more quickly will be greatly appreciated.

Staffed by:
Western Governors' Association
1515 Cleveland Place, Suite 200
Denver, CO 80202
(303) 623-9378
Fax (303) 534-7309

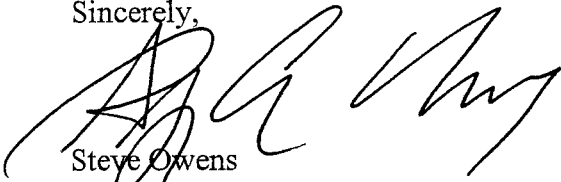
www.wrapair.org

Staffed by:
National Tribal Environmental Council
2221 Rio Grande NW
Albuquerque, NM 87104
(505) 242-2175
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Mr. Bill Wehrum
June 26, 2006
Page 2

Please do not hesitate to contact me with any questions. You may also contact WRAP Co-Director, Patrick Cummins, at 970-884-4770 / pcummins@westgov.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Owens", written over a printed name.

Steve Owens
Director, Arizona Department of Environmental Quality and
Co-Chair, Western Regional Air Partnership

cc: John F. Morrall, OMB
Art Fraas, OMB
Bill Harnett, EPA/OAQPS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 19 2005

OFFICE OF
AIR AND RADIATION

Mr. Stephen Owens
Director, Arizona Department
of Environmental Quality
1110 W. Washington Street
Phoenix, Arizona 85007

Dear Mr. Owens:

Thank you for your letter of April 15, 2005, concerning our plans for revising our regional haze regulations in response to the decision in CEED v. Environmental Protection Agency (EPA), and your letter of March 3, 2005, expressing your commitment to your regional haze plans under Section 309 of the regional haze rule. As you know, we are very supportive of the Western Regional Air Partnership (WRAP) and its efforts to move forward with its regional haze program.

I want to assure you that responding to the remand in the CEED case -- and enabling WRAP to move forward with an effective regional haze program -- is a high priority for me personally and for EPA's Office of Air and Radiation. In a stipulation filed last Friday with the U.S. District Court for the District of Columbia, in the context of extending our deadline for action on the Best Available Retrofit Rule (BART), we stated our intention to take final action on the CEED response by November 8, 2005. This is a very aggressive schedule, but we are committed to meeting it. We recognize the importance of this rulemaking not only to the WRAP States, but to all States that are interested in considering alternatives to source-by-source BART.

We would like to have the chance to meet with you as co-regulators to discuss your views on responding to the concerns raised by the court in CEED. I believe that a productive first step would be a meeting with Lydia Wegman and her staff who are working on this rulemaking. Please contact Lydia at 919-541-5505 to arrange a meeting at your convenience.

Again, thank you for your letters. I look forward to working together to achieve our mutual goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Holmstead".

Jeffrey R. Holmstead
Assistant Administrator