

Section 110(a)(2)(D)(i)(I) – Prong 1 and Prong 2

Requirement Summary

"Each such plan shall ... contain adequate provisions

- (i) prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will*
 - (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or*
 - (II) interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."*

On December 12, 2012, Utah submitted an Infrastructure State Implementation Plan (ISIP) for the 2010 NO₂ NAAQS. The ISIP cited EPA Administrator Gina McCarthy's November 19, 2012 memo, *Next Steps for Pending Redesignation Requests and State Implementation Plan Actions Affected by the Recent Court Decision Vacating the 2011 Cross-State Air Pollution Rule*. The memo outlined EPA's intention to abide by the EME Homer City decision (EME Homer City Generation, L.P. v. E.P.A., 696 F.3d 7 (D.C. Cir. 2012)). This decision required EPA to quantify state transport obligations before deeming SIPs deficient. The 2012 ISIP noted that EPA had not quantified Utah's obligation, and that the ISIP adequately addressed interstate transport obligations. However, on April 29, 2014, the U.S. Supreme Court reversed and remanded the D.C. Circuit's EME Homer City ruling and upheld EPA's approach in the Cross-State Air Pollution Rule (EPA v. EME Homer City Generation, L.P., 134 S. Ct. 1584, 1610 (2014)). As a result of the Supreme Court reversal, each state is required to address the interstate transport requirements of 110(a)(2)(D)(i) regardless of whether EPA has quantified the state's obligation. In response to the Supreme Court's decision, the following amendments update prongs 1 and 2 of Section 110(a)(2)(D)(i) of Utah's 2010 NO₂ ISIP to adequately address its interstate transport obligations.

Prong 1: Significant Contribution to Nonattainment

Utah's NOx emissions do not contribute significantly to nonattainment in any other state. Utah's current network of air monitors show that design values are well below the 2010 NO₂ NAAQS. There are also no 2010 NO₂ nonattainment areas in any of the states bordering Utah.

The 2017 and 2016 data show that Utah is well below the 2010 NO₂ NAAQS of 100 ppb. The NO₂ design values in Utah for 2017 (as of June 6, 2017) range from 19 ppb to 63 ppb. In 2016 the NO₂ design values in Utah ranged from 20 ppb to 60 ppb. The low design values are partially attributable to Utah's controls for particulate matter. These values should continue to decrease as Utah strengthens its PM2.5 State Implementation Plan to control for NO_x.

The highest design values in Utah's neighboring states are also well below the 2010 NO₂ NAAQS of 100 ppb. The highest design value in any neighboring state is 74 ppb in Colorado. Although this value is nearly 19 percent higher than Utah's high value in the same year, it is still only 74 percent of the 2010 NO₂ NAAQS. Because Utah's high values are substantially lower than the 2010 NO₂ NAAQS, and because all neighboring states also have design values that are below the NAAQS, this data demonstrates that

Utah does not contribute significantly to nonattainment of the 2010 NO₂ NAAQS in any other state.

Table 1. Highest NO₂ Design Values for Utah and its Neighboring States

State	2014-2016 Design Value (ppb)	2015 – 2017* Design Value (ppb)
Utah	60	63
Arizona	64	63
Colorado	74	73
Idaho	44	44
Nevada	57	59
New Mexico	46	46
Wyoming	48	38

Source: EPA Air Quality System (AQS), June 6, 2017.

* Design values calculated through June 6, 2017.

Prong 2: Interference with Maintenance

Utah does not interfere with maintenance of the 2010 NO₂ NAAQS within any other state. There are no maintenance receptors near Utah. The closest potential maintenance receptors for the 2010 NO₂ NAAQS are located in Southern California. Even if Southern California was determined to contain maintenance receptors, Utah would not interfere with maintenance of the NAAQS in that area because of the general west to east direction of the wind and because of Utah's low NOx emissions and NO₂ design values as demonstrated by Table 1.