

Arkansas Environmental Federation Air Seminar: Clean Air Act Case Update Presentation



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Arkansas Environmental, Energy, and Water Law Blog

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Mark Allison, Dover and Dixon, Al Eckert, Quattlebaum, Grooms and Tull and I undertook a presentation titled *Clean Air Act Case Update ("Presentation")* at the April 12th Arkansas Environmental Federation's annual Air Seminar.

The *Presentation* addressed a variety of issues associated with federal and Arkansas implementation of the Clean Air Act and several ancillary issues.

The topics addressed included:

- Overview of "Cooperative Federalism"
- Federal Clean Air Act Oversight
- Regional Haze Case Law
- *Alaska Department of Conservation v. Environmental Protection Agency ("EPA")* (Supreme Court addressing EPA's role in reviewing state BACT decisions)
- *NPCA v. EPA* (Addressing BART issues)
- *NPCA v. McCarthy* (Addressing BART and transport rule)
- *Nebraska v. EPA* (Addressing EPA's review of Nebraska State Implementation Plan ["SIP"]/issuance of Federal Implementation Plan["FIP"])
- *Arizona v. EPA* (Disapproval of SIP/promulgation of FIP)
- Clean Power Plan Status
- *EME Homer City Generation L.P. v. EPA* (Cross-State Air Pollution Rule)
- *Michigan v. EPA* (Must Costs Be Considered?)
- Nucor Corporation Arkansas Pollution Control and Ecology Commission appeal of Big River Steel, LLC air permit/citizen suit
- *Haney v. Range Resources* (Can air monitoring data developed by environmental consultants for a client be obtained in litigation discovery?)
- *Sierra Club v. Oklahoma Gas and Electric* (Addressing whether failure to obtain a Prevention of Significant Deterioration permit continues to violate the Clean Air Act for statute of limitation calculation purposes?)
- *Freeman v. Grain Processing Corporation* (Does the Clean Air Act preempt state-law tort claims?)
- *Pennsylvania Future v. Ultra Resources, Inc.* (Addressing whether certain oil and gas operations should be aggregated for permitting purposes?)
- *Cook v. EPA* (Does EPA have mandatory duty to regulate ammonia and hydrogen sulfide as a criteria air pollutants?)

[Click here to download a copy of the slides from the presentation.](#)