



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

U.S. Environmental Protection Agency Proposed Rule to Approve Arkansas Clean Air Act State Implementation Plan: November 20th Federal Register Notice

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The United States Environmental Protection Agency ("EPA") issued a November 20th Federal Register Notice containing a proposed rule that would approve an Arkansas Clean Air Act State Implementation Plan ("SIP"). See 82 Fed. Reg. 55065.

EPA's proposed rule addresses provisions previously submitted by the Arkansas Department of Environmental Quality on behalf of the State of Arkansas.

The submitted SIP revisions address:

- Requirements of Section 110(a)(1) and (2) of the Clean Air Act for the 2006 and 2012 fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards ("NAAQS")
- 2008 lead NAAQS
- 2008 ozone NAAQS
- 2010 nitrogen dioxide NAAQS
- 2010 sulfur dioxide NAAQS

The Clean Air Act requires that EPA establish ambient air quality standards (i.e., National Ambient Air Quality Standards [NAAQS]) for a limited number of air pollutants. The states are then required to develop plans to ensure that their air quality control regions meet the various NAAQS.

Each state is required to formulate, subject to EPA approval, an implementation plan (i.e., SIP) designed to achieve each NAAQS. The SIPs contain the measures and actions the state proposes to undertake to attain each NAAQS. These measures or actions must be enforceable through state regulations and typically include emission limits applicable to certain types of stationary sources.

The states are somewhat free to make their own choices as how they will attain the NAAQS through their SIPs. However, the SIP and subsequent revisions must be reviewed and approved by EPA for determination that certain criteria set forth in Section 110 of the Clean Air Act.

EPA in the November 20th Federal Register notice provides an evaluation of how Arkansas's SIP addresses each applicable element of Clean Air Act § 110(a)(2)(M).

[A copy of the Federal Register notice can be found here.](#)

