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SIP/Clean Air Act: U.S. Environmental Protection Agency Final Rule Approving Mississippi Emission Statement Requirements for State Portion of the Memphis, Tennessee – Mississippi – Arkansas 2008 8-Hour Ozone NAAQS Nonattainment Area

Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency (“EPA”) in a January 12th Federal Register Notice issued a final rule approving:

... the state implementation plan (SIP) revision submitted by the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) on August 28, 2015, to address the emissions statement requirements for the State’s portion of the Memphis, Tennessee-Mississippi-Arkansas (Memphis, TN-MS-AR) 2008 8-hour ozone national ambient air quality standards (NAAQS) nonattainment area ...

See 80 Fed. Reg. 1320.

The TN-MS-AR area is comprised of Shelby County in Tennessee, Crittenden County in Arkansas, and a portion of DeSoto County in Mississippi.

The EPA action approves the emissions statement requirements for DeSoto County in the Mississippi portion of the “area.”

The Clean Air Act provides that the states are primarily responsible for ensuring attainment and maintenance of the NAAQS once EPA establishes them. Each state is required to formulate, subject to EPA approval, an implementation plan designed to achieve each NAAQS. The SIPs will contain the measures and actions the state proposes to undertake each NAAQS.

EPA states that on August 28, 2015 the Mississippi Department of Environmental Quality submitted a SIP revision to the agency seeking to add 11 Mississippi Administrative Code, Part 2, Chapter 11, “Regulations for Ambient Air Quality Non-attainment Areas,” into the Mississippi SIP to meet the emissions statements requirement of Section 182(a)(3)(B) of the Clean Air Act. The federal agency states that it has determined that the submission by the Mississippi Department of Environmental Quality meets all the requirements of Section 182(a)(3)(B) for the Mississippi portion of the area because:

... they cover the portion of DeSoto County within the Area and satisfy the applicability, certification, and other emissions statements criteria contained therein.

[Click here to download a copy of the Federal Register Notice.](#)