ARKANSAS
ENERGY & ENVIRONMENT

Sarah Huckabee Sanders
GOVERNOR
Shane E. Khoury
SECRETARY

October 30, 2026

Via regulations.gov (Docket ID No. EPA-HQ-OAR-2024-0078) and electronic mail

The Honorable Scott Mason IV
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270-2102

Re: Arkansas' Response to EPA's September 30, 2026, "120-day Letter" on Intended Area Designations for the 2024 Primary Annual PM2.5 NAAQS; Docket ID No. EPA-HQ-OAR-2024-0078

As Secretary of the Arkansas Department of Energy and Environment (E&E), and the authorized signatory for the Governor of Arkansas, Sarah Huckabee Sanders, I hereby respond to U.S. Environmental Protection Agency's (EPA's) September 30, 2026, letter describing the EPA's intended approach for area designations under the 2024 primary annual fine particulate matter (PM2.5) National Ambient Air Quality Standard (NAAQS).[1]

Arkansas agrees with EPA's intention to designate most areas in the State attainment/unclassifiable. As invited by EPA, this letter provides the designation Arkansas considers correct for every area that EPA's 120-day letter identified in Enclosure 1, along with justification. Also, for each Arkansas area that Enclosure 1 identifies as possibly not meeting the standard, the letter also explains why EPA should designate that area as unclassifiable. The areas are addressed below:

- Pulaski County, in the Little Rock-North Little Rock-Conway, AR Core Based Statistical Area (CBSA);
- Garland County, in the Hot Springs, AR CBSA;
- Union County, in the El Dorado, AR CBSA; and
- Little River and Miller Counties, the Arkansas portion of the Texarkana, TX-AR CBSA.

1. The information available to EPA supports an unclassifiable designation

As EPA restated in its October 6, 2026, notice of availability, Clean Air Act section 107(d)(1)(A)(iii) defines an unclassifiable area as "any area that cannot be classified on the basis of available information as meeting or not meeting the NAAQS."[2] The designation therefore depends on the information before EPA when it acts.

[1] Letter from Scott Mason IV, Regional Administrator, EPA Region 6, to the Honorable Sarah Sanders, Governor of Arkansas (Sept. 30, 2026), with Enclosure 1. https://www.epa.gov/system/files/documents/2026-10/region-6_arkansas_120-day-letter_2026-signed.pdf

[2] EPA, Initial Air Quality Designations for the 2024 Revised Primary Annual Fine Particle (PM2.5) National Ambient Air Quality Standards (NAAQS), Notice of availability; opportunity for public comment, 91 Fed. Reg. 63516 (Oct. 6, 2026), sec. II. https://www.federalregister.gov/documents/2026/10/06/2026-20468/initial-air-quality-designations-for-the-2024-revised-primary-annual-fine-particle-pm25-national

EPA's 120-day letter acknowledges that, "[g]iven the expedited deadline that the EPA is operating under," EPA "may be lacking relevant information or demonstrations that would lead to a different designation."[3] It also "recognizes the difficulties associated with gathering and processing the information necessary for the designation process within such an abbreviated timeline," and it states that EPA may determine that areas in Arkansas "cannot be classified on the basis of available information as meeting or not meeting the NAAQS, which would result in a designation of unclassifiable for areas in your State."[4] Arkansas agrees with that assessment and asks EPA to apply it to each Arkansas area listed in Enclosure 1.

An unclassifiable designation is also consistent with how EPA has previously applied the category in Arkansas. In its August 19, 2014, letter on the 2012 annual $PM_{2.5}$ NAAQS, Region 6 stated that EPA intended "to designate as 'unclassifiable' those areas where the EPA cannot determine based on available information whether the area is meeting or not meeting the NAAQS or where the EPA has not determined that the area contributes to a nearby violation."[5] As the following section explains, the current record leaves both questions open for the Arkansas areas.

2. The court-ordered schedule has left the necessary analyses incomplete

Arkansas shares EPA's concern that the accelerated schedule limits both the analyses states can complete and the record EPA will have when it acts. The July 17, 2026, order in *Alliance of Nurses for Healthy Environments v. Zeldin* requires EPA to publish final designations by February 6, 2027,[6] which is 129 days after the date of EPA's 120-day letter. EPA has stated publicly that "due to significant wildfires, concerns with the accuracy of air monitors, and the need to evaluate new data, EPA believes the designation timeline set by the court is unrealistic and could cause further harm."[7] Each of those three issues bears directly on the Arkansas areas.

Fire-influenced data have not been reviewed

EPA's 120-day letter reports that EPA's screening identified "over 9,000 site days that could be submitted as Tier 1 or Tier 2 exceptional events, potentially affecting the design value at every monitor with a current 2023-2025 design value over 9 $\mu g/m^3$."[8] Table 1 lists the monitors that place Arkansas counties in EPA's Enclosure 1. Each has a 2023-2025 design value above 9.0 $\mu g/m^3$, so each is within the group EPA described.

[3] *Supra* note 1, at 2.
[4] *Supra* note 1, at 3.
[5] Letter from the Regional Administrator, EPA Region 6, to the Honorable Mike Beebe, Governor of Arkansas (Aug. 19, 2014), at 1-2. https://www3.epa.gov/pmdesignations/2012standards/eparesp/06_AR_120resp.pdf.
[6] *All. of Nurses for Healthy Env'ts v. Zeldin*, No. 26-cv-03118-HSG (N.D. Cal. July 17, 2026), cited in 91 Fed. Reg. 63516 n.2. EPA has appealed the order. *Supra* note 1, at 1.
[7] EPA, News Release, EPA Notifies States of Potential Designations Following Appealed Court Order (Oct. 2, 2026). https://www.epa.gov/newsreleases/epa-notifies-states-potential-designations-biden-epas-flawed-2024-air-quality-standard.
[8] *Supra* note 1, at 2.

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Table 1. 2023-2025 annual $PM_{2.5}$ design values at monitors affecting Arkansas designations[9]

Monitor (AQS site ID)	County	Core Based Statistical Area	2023-2025 design value (µg/m^3)
Doyle Springs Road (05-119-1008)	Pulaski, AR	Little Rock-North Little Rock-Conway, AR	10.6
PARR (05-119-0007)	Pulaski, AR	Little Rock-North Little Rock-Conway, AR	10.2
El Dorado (05-139-0006)	Union, AR	El Dorado, AR	9.7
Hot Springs (05-051-0003)	Garland, AR	Hot Springs, AR	9.2
Texarkana New Boston (48-037-1031)	Bowie, TX	Texarkana, TX-AR (includes Little River and Miller Counties, AR)	9.5

Data influenced by an exceptional event remains in a design value until the State submits a demonstration and EPA concurs by flagging the data in the Air Quality System.[10] That process has not been completed for any of the monitors in Table 1 for the 2023-2025 timeframe. The design values EPA would rely on therefore still include days that EPA's own screening indicates could qualify for exclusion.

For illustrative purposes, DEQ's preliminary screening at the Hot Springs monitor shows how much the outcome can depend on the results of this review. Excluding the twelve Tier 1 and Tier 2 candidate days on which satellite smoke analysis placed smoke over the site would lower the 2023-2025 screening value from 9.2 to 8.8 µg/m^3. While that figure assumes EPA concurrence on each day and is not itself a demonstration, it is evidence that there is consequential information that should be considered by EPA, but that the State has not yet had the opportunity to present. The record is limited in other ways as well: for instance, EPA's design value file for Hot Springs shows no valid design value for the site for 2021-2023 or 2022-2024, and data completeness at the site in the second quarter of 2023 was 70 percent.[11]

Contribution to the Texarkana, Texas monitor has not been analyzed

Little River and Miller Counties appear in EPA's Enclosure 1 only because they share a CBSA with the Texarkana-New Boston monitor in Bowie County, Texas. Neither county in Arkansas contains a monitor that "may not meet" the standard. Whether either county contributes to that monitor's design value requires analyses of emissions, meteorology, and source locations that are also not yet in EPA's record and that DEQ

[9] EPA, PM2.5 Design Values, 2023-2025 (last updated June 12, 2026), Tables 5a and 6a. https://www.epa.gov/system/files/documents/2026-06/pm25_designvalues_2023_2025_final_06_12_26.xlsx.

[10] 40 C.F.R. § 50.14(c)(2)(ii). https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-50/section-50.14.

[11] *Supra* note 9, Tables 5a and 6a.

has not been able to complete on the current schedule. Under the approach Region 6 described in 2014, an area for which EPA "has not determined that the area contributes to a nearby violation" is designated unclassifiable.[12] Arkansas asks EPA to apply that approach to Little River and Miller Counties.

3. DEQ will submit exceptional events demonstrations

DEQ will prepare exceptional events demonstrations for the Arkansas monitors in Table 1, beginning with the candidate days that EPA's screening and DEQ's review have identified as Tier 1 and Tier 2 fire events. The demonstrations will address the elements required by 40 CFR 50.14(c)(3)(iv) and will be open for public comment for at least 30 days. The rule allows that comment period to run concurrently with the beginning of EPA's initial review.[13] DEQ will submit a demonstration package to the docket and to EPA Region 6 as soon as it is complete and will maintain contact with EPA Region 6 staff on progress of any ongoing analyses. These demonstrations will give EPA a more complete record on which to base final designations.

To allow sufficient time for Arkansas to supplement the record and better inform EPA's final designations, Arkansas asks EPA to:

1. Designate Pulaski, Garland, Union, Little River, and Miller Counties as unclassifiable, unless information received or available before February 6, 2027, supports an attainment/unclassifiable designation for an area, as EPA's 120-day letter contemplates.[14]
2. Review DEQ's demonstrations for purposes of these designations when submitted, consistent with EPA's 120-day letter's request for "information related to exceptional events."
3. Work with DEQ through the initial notification process in 40 CFR 50.14(c)(2)(i), including setting demonstration due dates that account for the timing of final designations, as paragraph (c)(2)(i)(B) provides.[15]

Arkansas appreciates EPA's acknowledgment of the limits of the current record and its invitation to supplement that record. Please direct questions about this response to Office of Air Quality Deputy Director Demetria Kimbrough at Demetria.Kimbrough@arkansas.gov or at 501-682-0927.

Sincerely,

Shane Khoury, Secretary
Arkansas Department of Energy and Environment

cc: Dr. James McDonald, Assistant Regional Administrator, EPA Region 6

[12] *Supra* note 5, at 2.
[13] 40 C.F.R. § 50.14(c)(3)(iv)-(v). https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-50/section-50.14.
[14] *Supra* note 1, at 3.
[15] 40 C.F.R. § 50.14(c)(2)(i)(A)-(C). https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-50/section-50.14.