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# Clean Air Act: U.S. Environmental Protection Agency Proposed Mississippi State Implementation Plan Disapprovals

## Arkansas Environmental, Energy, and Water Law Blog

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The United States Environmental Protection Agency ("EPA") in a March 22<sup>nd</sup> Federal Register Notice states it is proposing to disapprove:

... the visibility transport (prong 4) portions of revisions to the Mississippi State Implementation Plan (SIP), submitted by the Mississippi Department of Environmental Quality (MDEQ), addressing the Clean Air Act (CAA or Act) infrastructure SIP requirements for the 2008 8-hour Ozone, 2010 1-hour Nitrogen Dioxide (NO<sub>2</sub>), 2010 1-hour Sulfur Dioxide (SO<sub>2</sub>), and 2012 annual Fine Particulate Matter (PM<sub>2.5</sub>) National Ambient Air Quality Standards ...

See 81 Fed. Reg. 15205.

EPA notes that it is specifically proposing to disapprove the prong 4 portions of Mississippi's May 29, 2012, 2008 8-hour Ozone infrastructure SIP submission; July 26, 2012, 2008 8-hour ozone infrastructure SIP resubmission; February 28, 2013, 2010 1-hour NO<sub>2</sub> infrastructure SIP submission; June 20, 2013, 2010 1-hour SO<sub>2</sub> infrastructure SIP submission; and December 8, 2015, 2012 annual PM<sub>2.5</sub> infrastructure SIP submission.

The states are primarily responsible for ensuring attainment and maintenance of the NAAQS once the EPA has established them. Each state is required to formulate, subject to EPA approval, an implementation plan (SIP) designed to achieve each NAAQS. Therefore, the SIP and subsequent revisions must be reviewed and approved by the EPA.

EPA states in the March 22<sup>nd</sup> notice that it has historically referred to SIP submissions made for the purpose of satisfying the requirements of Section 110(a)(1) and 110(a)(2) as "infrastructure SIP" submissions. These sections require states to address basic SIP elements such as monitoring, basic program requirements, and legal authority designed to assure attainment and maintenance of newly established or revised NAAQS. Further, Section 110(a)(2)(D)(i) includes four distinct components (i.e., "prongs") that must be addressed in infrastructure SIP submissions. As to the third and fourth prongs, EPA states that these are:

... provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4).

EPA's proposed rule would disapprove the previously referenced prong 4 portions of Mississippi's infrastructure SIP.

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