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Arkansas Regional Haze State Implementation Plan Revision: Arkansas Department of Environmental Quality Notice of Data Availability Rescheduled Public Comment Period/Hearing

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The Arkansas Department of Environmental Quality (“ADEQ”) recently announced three items in regards to its previously proposed (October 31st) revision to the Arkansas Regional Haze State Implementation Plan (“SIP”):

- Rescheduling the public hearing date
- Extension of public comment period
- Notice of Data Availability (“NODA”)

The NODA was previously deemed confidential as a trade secret. Further, the agency states that the public comment period is being extended due to requests received for an extension.

The federal regional haze requirements are driven by Section 169A of the Clean Air Act. Congress sought to address visibility issues in mandatory Class I federal areas in which impairment results from manmade air pollution. Class I federal areas include certain national wilderness areas and national parks.

Section 169A requires that certain sources contributing to visibility impairment install best available retrofit technology (“BART”). States must review all major stationary sources built between 1962 and 1977 to determine whether the source “emits any air pollutant which may reasonably be anticipated to cause or contribute any impairment or visibility in” any Class I area. The states are then responsible for determining the appropriate BART controls for each source.

EPA reviews the states’ State Implementation Plan (“SIP”) submissions for consistency with the statute and regulations.

In the event EPA determines that an SIP does not meet the Clean Air Act’s requirements, the federal agency may itself make certain choices and impose a federal implementation plan. Section 169A gives states substantial responsibility to determine appropriate BART controls and EPA may not disapprove reasonable state determinations that comply with the relevant statutory and regulatory requirements.

[A link to the ADEQ notice which references the rescheduled public comment period, hearing date, and provides the NODA can be found here.](#)