

Regional Haze: U.S. Environmental Protection Agency Announces Approval of Arkansas State Implementation Plan



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United States Environmental Protection Agency (“EPA”) issued a January 29th news release announcing approval of the State of Arkansas’s Clean Air Act Regional Haze State Implementation Plan (“SIP”).

The approval was announced in a January 29th federal agency news release.

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

EPA states that the Arkansas action is the “first step to replacing the embattled and one-size-fits-all Federal Implementation Plan (FIP) dating back to 2012.”

EPA Administrator Scott Pruitt is quoted as stating:

Arkansas’s revised plan is yet another excellent example of the positive environmental outcomes we are achieving across the country from a cooperative federalism approach. After working closely with Arkansas, this action returns power back to the rightful hands of the state and gives them the necessary flexibility to improve air quality across the Natural State.

The news release also contains quotes from Arkansas Governor Asa Hutchinson, several members of the Arkansas Congressional Delegation, EPA Region 6 Administrator Anne Idsal, and Arkansas Department of Environmental Quality Director Becky Keogh.

[A copy of the news release can be downloaded here.](#)

