

Regional Haze/Arkansas: U.S. Environmental Protection Agency Announces Approval of Revisions to State Plan



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The United States Environmental Protection Agency (“EPA”) issued a September 9th news release stating it had approved revisions to the State of Arkansas’s plan for addressing regional haze.

Concurrently, the federal agency stated it would withdraw a portion of the previously promulgated federal regional haze plan for Arkansas.

The federal regional haze program is driven by 169A of the Clean Air Act. Congress sought to address visibility in Mandatory Class I federal areas in which an impairment results from manmade air pollution.

Section 169A requires that certain sources contributing to visibility impairment install Best Available Retrofit Technology (“BART”). The states are responsible for determining the appropriate BART controls for certain stationary sources. EPA reviews the states’ State Implementation Plan (“SIP”) submissions for consistency with the relevant 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 (“FIP”). 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.

EPA had previously proposed a Regional Haze FIP for Arkansas.

The EPA news release states that:

EPA worked closely with Arkansas for the last two years to update the state’s plan and replace the federal implementation plan.

Arkansas’s plan is stated to include the reduction of sulfur dioxide, oxides of nitrogen and particulate matter using best-available retrofit technology at seven electric-generating units.

Arkansas Department of Energy and Environment Secretary Becky Keogh is stated in part as noting:

Arkansas is well positioned with this approved plan to achieve and surpass the air-quality goals set in federal law, while realizing over \$2 billion of savings to ratepayers.

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

