

Arkansas State Implementation Plan Revisions/Clean Air Act: U.S. Environmental Protection Agency Notes Elimination of All Backlogs



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) issued an October 17th news release stating that it has:

...eliminated all backlogs of Arkansas State Implementation Plans (SIPs).

This development was also announced at the recently concluded Arkansas Environmental Federal Convention.

The states are primarily responsible for ensuring attainment and maintenance of the National Ambient Air Quality Standards (“NAAQS”) once the EPA has established them. Each state is therefore required to formulate, subject to EPA approval, an implementation plan (i.e., SIP) designed to achieve each NAAQS. States are given broad discretion in formulating its SIP. Nevertheless, the SIPs must contain the measures and actions the state proposes to undertake to attain each NAAQS. These measures or actions must be enforceable through state regulations and typically include emission limits applicable to certain types of stationary sources.

The states are generally free to make their own choices as to how they will attain the NAAQS through their SIPs. However, the SIP must be reviewed and approved by EPA for determination that the criteria set forth in Section 110 of the Clean Air Act are met. Such review would include revisions to the SIP.

The Region 6 Office of EPA (which encompasses Arkansas) stated in the October 17th news release that it worked closely with the Arkansas Department of Environmental Quality (“ADEQ”) to resolve issues related to air permitting plans. It also states that its review included a determination that the state SIP complies with the NAAQS.

Arkansas Department of Environment and Energy Secretary Becky Keogh is quoted as stating:

DEQ’s office of Air Quality has made significant efforts to advance air-quality outcomes and increase responsiveness through reduction of backlogs and continuous-improvement strategies. As a regional and national leader, Arkansas’s and EPA’s efforts in clearing backlogs provide certainty to the regulated community and the public through clear, protective rulemaking.

Arkansas was noted to be the first state in Region 6 where the SIP backlog has been eliminated and the third state nationwide.

A copy of the October 17th news release can be downloaded [here](#).

