

# Arkansas Regional Haze Plan/Interstate Visibility Transport Revisions: U.S. Environmental Protection Agency Announces Approval



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The United States Environmental Protection Agency (“EPA”) announced the availability of prepublication documents which:

- Approves revisions to the State of Arkansas’s Clean Air Plan for Regional Haze (and withdrawing the Federal Implementation Plan)
- Approves Arkansas’s Interstate Visibility Transport Provisions

Both prepublication documents will be published in an upcoming Federal Register volume.

The Federal Regional Haze Program is driven by 169A of the Clean Air Act. Congress sought to address visibility in mandatory Class I areas in which an impairment results from manmade air pollution.

Section 169A requires that certain sources contributing to visibility impairment install 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 a 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.

EPA states it is finalizing approval of revisions to the Arkansas SIP submitted by the Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) on August 13, 2019. The federal agency states that the submittal addresses requirements of the Clean Air Act and the Regional Haze Rule for visibility in protection in mandatory Class I federal areas for the first implementation period.

Also addressed is approval of an alternative measure to BART at the Domtar Ashdown Mill for sulfur dioxide, particulate matter and nitrogen oxide. The elements of the submittal are stated to relate to the BART requirements at the Domtar facility. EPA is also approval withdrawal from the SIP of the previously approved particulate matter BART limit for Power Boiler No. 1.

Concurrently EPA is approving Arkansas’s Interstate Visibility Transport provisions from the August 8, 2018 Regional Haze SIP submittal. The submittal is stated to be supplemented by the visibility transport

provisions in the October 4, 2019 Interstate Transport SIP submittal. This submittal encompasses certain National Ambient Air Quality Standards:

- 2006 24-hour fine particulate matter
- 2012 annual PM<sub>2.5</sub>
- 2008 and 2015 eight-hour ozone
- 2010 one-hour nitrogen dioxide
- 2010 one-hour SO<sub>2</sub>

EPA is also withdrawing the Federal Implementation Plan provisions for the Domtar Ashdown Mill.

Links to the prepublication documents can be found below:

[https://www.epa.gov/sites/production/files/2021-03/documents/ar\\_rh\\_phase\\_iii\\_sip\\_and\\_vt\\_final\\_rule\\_pre-publication\\_version.pdf](https://www.epa.gov/sites/production/files/2021-03/documents/ar_rh_phase_iii_sip_and_vt_final_rule_pre-publication_version.pdf)

[https://www.epa.gov/sites/production/files/2021-03/documents/ar\\_rh\\_fip\\_withdrawal\\_final\\_rule\\_pre-publication\\_version.pdf](https://www.epa.gov/sites/production/files/2021-03/documents/ar_rh_fip_withdrawal_final_rule_pre-publication_version.pdf)