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# Interstate Transport/Ozone: Arkansas Department of Energy & Environment - Division of Environmental Quality Petitions United States Environmental Protection Agency for Reconsideration and Request for Administrative Stay of State Implementation Plan Disapproval

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") submitted a March 21st document to the United States Environmental Protection Agency ("EPA") regarding the federal agency's prior disapproval of the Arkansas State Implementation Plan ("SIP") for Interstate Transport/Ozone. See Docket Nos: EPA-R06-OAR-2021-0801 and EPA-HQ-OAR-2-21-0663.

The document submitted to EPA is styled:

*Petition for Reconsideration and Request for Administrative Stay ("Petition")*

The *Petition* was submitted by DEQ Senior Attorney Tracy Rothermel.

EPA previously disapproved on February 22nd Arkansas's SIP addressing interstate transport for the 2015 8-hour ozone National Ambient Air Quality Standard. See 87 Fed. Reg. 9798.

In response Arkansas Attorney General Griffin filed a *Petition* before the Eighth Circuit Court of Appeals challenging EPA's disapproval of Arkansas's SIP.

The DEQ *Petition* filed on March 21st requests that EPA immediately stay the SIP disapproval pending completion of the reconsideration. It argues that in the absence of the stay EPA will implement a Federal Implementation Plan ("FIP") for the State of Arkansas that will:

... require unduly burdensome and unnecessary expenditures by approximately 47 facilities within Arkansas.

As a result, the *Petition* asks that EPA contact DEQ to discuss an appropriate schedule and process for reconsideration with an administrative stay in place.

DEQ's arguments in support of the *Petition* include:

- Arkansas's SIP is sufficient to reach an attainment

- EPA nullified cooperative federalism and state-led action in violation of the Clean Air Act by engaging in a combination of arbitrary and capricious decisions
- EPA released new modeling data in its Good Neighbor FIP on March 15, 2023, demonstrating that the control strategy included in Arkansas's 2019 SIP submission was adequate to prohibit sources in the state from continuing to contribute to nonattainment or interfere with maintenance before imposition of the new control requirements included in the Good Neighbor FIP

A copy of the *Petition* can be downloaded [here](#).