

Air Case Law Update - 2022-2023: Arkansas Environmental Federation May 18th Air Seminar Presentation



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The Arkansas Environmental Federation (“AEF”) held its Annual Air Seminar in Little Rock, Arkansas, on May 18th.

Topics addressed at the Seminar included:

- Arkansas Department of Energy & Environment (“AE&E”) Director’s Office Report

Caleb Osborne, AE&E

- Environmental Justice

Katherine Vogle, Environmental Protection Agency

- Environmental Justice: How Other States Changing Air Permitting Practices

Matthew Page, Trinity Consultants

- Transportation Emissions

Travis Brooks, P.E. Staff Transportation

Planning and Policy Division

- PM2.5 NAAQS

Benjamin Holden, Trinity Consultants

Mark Allison, Wright, Lindsey, Jennings

- State of the Air

David Witherow, AE&E

- Air Division Round Table

My presentation was titled:

Air Case Law Update 2022-2023 (“Presentation”)

The *Presentation* generally addressed three topics:

- Air Judicial/Administrative Decisions/Guidance
- Air Enforcement/Citizen Suit Actions Filed/Pending
- Air Consent Administrative Orders

Specific issues addressed included:

- Revised Cross-State Air Pollution Update Rule/Ozone: Federal Appellate Court Addressing Challenge to analytical technique Utilized by EPA (Midwest Ozone Group Challenge)
- Interstate Transport/Ozone: Arkansas Petitions Eighth Circuit Court of Appeals Challenging EPA's State Implementation Plan Disapproval
- Clean Air Act National Ambient Air Quality Standards (Litigation Driving EPA NAAQS and Related Activity)
- Ohio State Implementation Plan/Air Nuisance Rule: Challenge to EPA's Removal of Rule
- Reactivation/New Source Review: EPA Determination that Virgin Islands refinery Must Obtain PSD Permit
- Scope of Title V Petition to Object Review (Does it Include Clean Air Act Title I Preconstruction Permitting Issues?)
- Title V Clean Air Act: U.S. EPA Grants in Part and Denies in Part Two Petitions Objecting to a Crossett, Arkansas, Papermill Renewal
- Federally Permitted Releases/CERCLA (Superfund): Federal Court Addresses Status of Emissions from Shipped Lead-Acid Batteries Covered by Smelter's Clean Air Act Permit
- Title VI of the Civil Rights Act/South Coast Air Quality Management District: Earthjustice Complaint Submitted to United States EPA
- Oakland Athletics Strike Out: California Appellate Court Rejects Team's Petition Seeking Regulation of Metal-shredding Operation Under California Hazardous Waste Law
- EPA Clean Air Act Enforcement (Referencing Stationary Engines Enforcement Initiative)
- Other EPA Clean Air Act Enforcement Initiatives
- Flares
- Cement manufacturing
- Glass manufacturing
- Fertilizer manufacturing
- Explosive manufacturing
- Refineries
- Criminal Enforcement/Clean Air Act – False Statement/Risk Management Program
- Environmental Criminal Enforcement (Additional Examples)
- State Criminal Enforcement (Unlaw Burning)
- Unmanned Aerial Vehicle Systems/Landfill Methane Leak Detection: EPA Approves Alternative Test Method (SnifferDRONE)
- Arkansas Air Enforcement Examples
- Types of Facilities Involved Over the Last 12 Months
- Types of Violations Over the Last 12 Months

A copy of the slides of the Presentation which provide additional detail can be found [here](#).