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The State of Regulatory Reform – Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777: Association of Air Pollution Control Agencies Report

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The Association of Air Pollution Control Agencies (“AAPCA”) issued a July 2017 report titled:

The State of Regulatory Reform: Navigating State Perspectives on Clean Air Act Regulations Under Executive Order 13777 (“Report”)

AAPCA describes itself as a consensus-driven organization focused on assisting air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act.

Arkansas Department of Environmental Quality Associate Director (Office of Air Quality) Stuart Spencer serves as the organization’s Vice President.

Pursuant to Executive Order 13777 the United States Environmental Protection Agency (“EPA”) established a Regulatory Reform Task Force to assess and determine whether existing regulations should be repealed, replaced, or modified. AAPCA notes that as of July 18, EPA’s docket included more than 467,000 public comments.

One purpose of the AAPCA Report is to navigate the comments and assessment of intergovernmental priorities for regulatory reform. It “highlights individual Clean Air Act regulations and themes discussed in state environmental agency comments as part of this comment process.” The *Report* notes:

In particular, Clean Air Act regulations and themes discussed by at least three state environmental agencies are included, accompanied by links to illustrative comments and excerpts from state and local agencies and associations. The report is designed to help illustrate key priorities, but it does not contain details on individual comments including whether commenters specified whether regulations are appropriate to repeal, replace, modify, or maintain. Inclusion of regulations or concepts in this report does not imply endorsement from AAPCA or its member agencies.

The comments filed included 24 state environmental agencies in regards to Clean Air Act or cross-media regulations.

The Arkansas Department of Environmental Quality is identified as commenting on a number of the regulations or issues.

Identified by the *Report* as air quality regulations and themes addressed by the state agencies:

- “Once In, Always In” Policy for Major Source Maximum Available Control Technology Standards
- Treatment of Data Influenced by Exceptional Events
- Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills
- Standards for Stationary Compression Ignition Internal Combustion Engines, Stationary Spark Ignition Internal Combustion Engines, and Reciprocating Internal Combustion Engines
- Startup, Shutdown, and Malfunction State Implementation Plan Call
- Title V Permitting Requirements for Air Curtain Incinerators/Destructors
- Regional Haze
- Nitrogen Oxides State Implementation Plan Call
- Interstate Ozone Transport
- Clean Power Plan and Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Generating Units
- Modeling Issues & Appendix W
- Implementation of the 2015 NAAQS for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements
- 2015 National Ambient Air Quality Standards for Ground-Level Ozone
- Cross-Media Electronic Reporting Rule and Other Electronic Reporting Requirements
- Monitoring Requirements
- Other Title V Permit Review/Petition Issues
- Guidance as De Facto Rulemaking
- General National Ambient Air Quality Standards & State Implementation Plan Process Improvements

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