

Regional Haze/Nitrogen Oxide: U.S. Environmental Protection Agency Proposal to Approve Arkansas State Implementation Plan Revision



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The United States Environmental Protection Agency (“EPA”) issued a September 11th Federal Register Notice proposing to approve a revision to the Arkansas Regional Haze State Implementation Plan (“SIP”) submitted by the Arkansas Department of Environmental Quality (“ADEQ”). See 82 Fed. Reg. 42627.

The proposed SIP revision addresses nitrogen oxide (“NO_x”) requirements for the:

- Arkansas Electric Cooperative Corporation Bailey Plant Unit 1
- Arkansas Electric Cooperative Corporation McClellan Plant Unit 1
- American Electric Power/Southwestern Electric Power Company Flint Creek Plant Boiler No. 1
- Entergy Arkansas, Inc. Lake Catherine Plant Unit 4
- Entergy White Bluff Plant Units 1 and 2 and the Auxiliary Boiler
- Entergy Independence Plant Units 1 and 2

EPA notes that in conjunction with the proposed approval it is proposing to withdraw federal implementation plan emission limits for NO_x that otherwise would apply to the previously referenced units.

The federal regional haze requirements are driven by Section 169A of the Clean Air Act. Congress sought to address visibility issues in mandatory Class I federal areas in which impairment results were manmade air pollution. Class I federal areas include certain national wilderness areas and national parks.

Section 169A requires that certain sources contributing to visibility impairment install best available retrofit technology (“BART”). States must review all major stationary sources built between 1962 and 1977 to determine whether the source “emits any air pollutant which may reasonably be anticipated to cause or contribute any impairment or visibility in” any Class I area. The states are then responsible for determining the appropriate BART control for each source.

EPA reviews the state’s SIP submissions for consistency with the statute and regulations. In the event EPA determines that an SIP does not meet the Clean Air Act’s requirements, the federal agency may itself determine BART and impose an SIP. While Section 169A gives states substantial responsibility to determine appropriate BART controls, the federal agency may not disapprove reasonable state determinations that comply with the relevant statutory and regulatory requirements.

The components of the September 11th Federal Register Notice address:

- Overview of the Regional Haze Program
- Previous EPA Actions on Arkansas Regional Haze
- CSAPR as an Alternative to Source-Specific NO_x BART
- EPA Evaluation of Arkansas' Proposed Regional Haze SIP Revision
- Reliance on CSAPR to Satisfy NO_x BART
- Regional Progress Analysis for NO_x
- Overview of Proposed Actions
- Arkansas' Proposed Regional Haze SIP Revision
- Partial FIP Withdrawal
- Clean Air Act Section 110(l)

[A copy of the Federal Register Notice can be downloaded here.](#)