

State Implementation Plan Status

PURPOSE AND DISCLAIMERS

The purpose of the state implementation plan status update is to inform the public and regulated community about Office of Air Quality Policy and Planning Branch state implementation plan and 111d state plan development activities.

All information contained here-in is subject to change and frequent updates and does not represent final policy by the Arkansas Department of Environmental Quality.

CONTACTS

If you have questions on this SIP Status update, please contact Tricia Treece (treecep@adeq.state.ar.us) or William Montgomery (Montgomery@adeq.state.ar.us).

Acronyms and Abbreviations

ADEQ	Arkansas Department of Environmental Quality
AIR	Air Integrated Regulation
APC&EC	Arkansas Pollution Control & Ecology Commission
BART	Best Available Retrofit Technology
CAA	Clean Air Act
CAIR	Clean Air Interstate Rule
CenSARA	Central States Air Resource Agencies
CSAPR	Cross-State Air Pollution Rule
EPA	Environmental Protection Agency
FIP	Federal Implementation Plan
FLM	Federal Land Manager
GHG	Greenhouse Gas
i-SIP	Infrastructure State Implementation Plan
NAAQS	National Ambient Air Quality Standard
NO ₂	Nitrogen Dioxide
NODA	Notice of Data Availability
NO _x	Nitrogen Oxides
NSR	New Source Review
OAQ	Office of Air Quality
PM _{2.5}	Fine Particulate Matter
PSD	Prevention of Significant Deterioration
RTC	Response to Comment
SIP	State Implementation Plan
SO ₂	Sulfur Dioxide
SSM	Startup, Shutdown, and Malfunction
VOC	Volatile Organic Compound



Regional Haze SIP Planning Period One

Background

The 1999 Regional Haze Rule requires states to develop SIPs to address the combined visibility effects of various pollution sources over a wide geographic region with the goal of achieving natural visibility conditions at designated national parks and wilderness areas by 2064.

Amendments to the Regional Haze Rule were finalized in 2005 and 2017.

Arkansas submitted its first planning period Regional Haze SIP in 2008.

On March 12, 2012, Arkansas's 2008 Regional Haze SIP was disapproved, which triggered a requirement either for the State to revise the SIP or for EPA to promulgate a FIP.

EPA finalized a FIP on August 8, 2014. EPA withdrew NOx requirements for EGUs included in the FIP on February 12, 2018.

Phase I SIP Revision

ADEQ has finalized revisions to the Arkansas Regional Haze SIP to replace source-specific NOx BART determinations included in the 2008 Arkansas Regional Haze SIP, as well as limits promulgated under the 2016 FIP, with reliance on the Cross-State Air Pollution Rule emissions trading program as an alternative to BART for Arkansas BART-eligible fossil fuel-fired electric generating units as allowed under 40 C.F.R. 51.308(e)(4). EPA finalized approval of these changes on February 12, 2018.

Phase II SIP Revision

ADEQ has finalized a SIP revision to address the certain disapproved portions of the Arkansas Regional Haze SIP. This SIP revision revises PM and SO₂ BART determinations and required controls for EGUs, the list of subject-to-BART sources, reasonable progress goals, and Arkansas's long-term strategy for improving visibility at Class I areas impacted by Arkansas sources. The administrative orders for the Phase II SIP were executed on August 7, 2018, and the SIP was submitted to EPA on August 9, 2018.

Phase III SIP

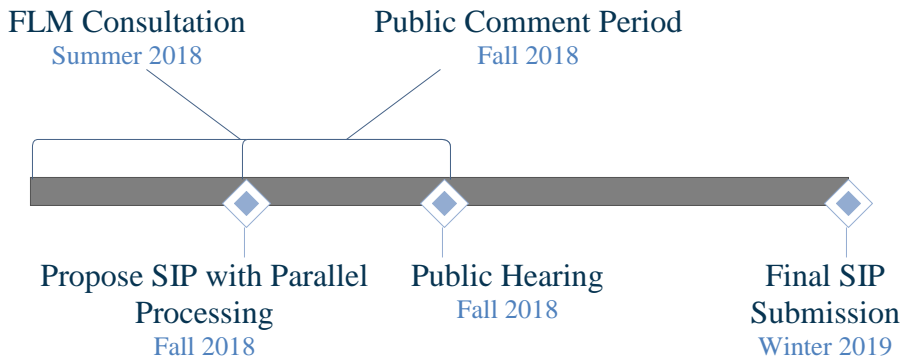
ADEQ is working with Domtar regarding their Ashdown Mill, a BART source that was not addressed in the Phase I or Phase II SIP, to develop an alternative to BART control strategy reflective of recent changes in their operations. An alternative to BART must achieve greater visibility progress, take place within the first planning period, and be surplus to other Clean Air Act requirements in effect during the baseline period for the SIP.

<i>Completed Actions</i>	<i>Current Status</i>	<i>Next Steps</i>
BART and Alternative to BART analyses	SIP and administrative order development FLM Consultation	Routing Proposal



Regional Haze SIP Planning Period

Phase III SIP Tentative Timeline



Litigation

Sierra Club filed a complaint on August 8, 2014 to compel EPA to promulgate a FIP.

The FIP was proposed on April 8, 2015 and finalized on September 27, 2016.

On November 22, 2016, the State of Arkansas filed a Petition for Reconsideration and Administrative Stay of the FIP with EPA.

On February 3, 2017, the State of Arkansas filed a Petition for Review of the FIP with the Eight Circuit.

On July 31, 2017, the Eighth Circuit granted a motion by the parties to hold the case challenging the FIP in abeyance and has continued doing so while ADEQ works on issuing replacement SIP revisions.

On March 7, 2018, the FIP SO₂ limits for Entergy Independence and White Bluff were stayed.



Regional Haze SIP Planning Period Two

Background

In 2016, amendments to the Regional Haze Rule and a revised guidance were proposed. The amendments were finalized on January 10, 2017; however the guidance was never finalized.

Key changes include extension of the SIP submittal deadline for the second planning period to July 31, 2021, progress reports are no longer considered SIP revisions, clarified obligations for states for setting reasonable progress goals and addressing contributions to visibility impairment in another state, and expansion of the reasonable attributable visibility impairment process.

Several states, including Arkansas, have challenged aspects of the 2017 amendments to the Regional Haze program.

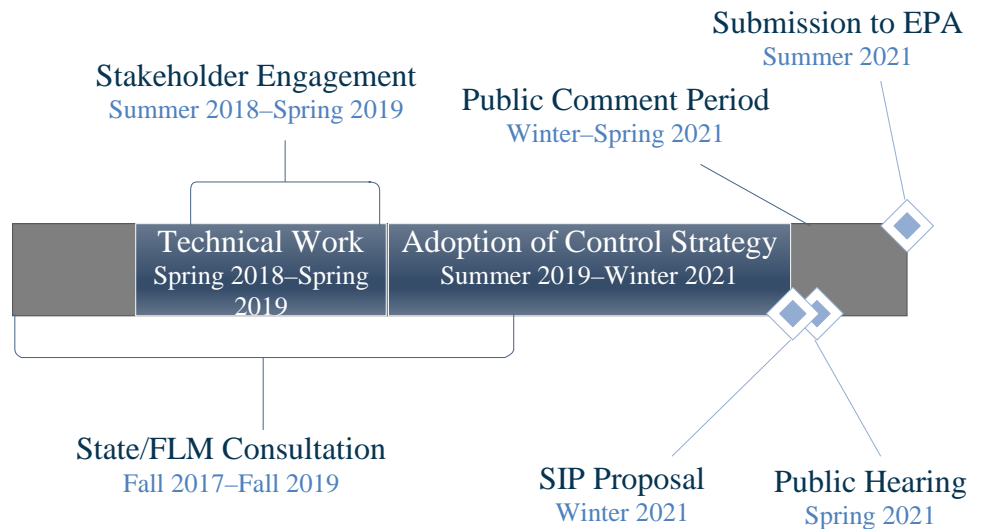
On January 17, 2018, EPA announced its decision to revisit aspects of the 2017 amendments.

Planning Period Two SIP Development

ADEQ is working in consultation with CenSARA region member states, FLMs, and EPA Region 6 on a strategy to address Regional Haze Program requirements for the 2021–2028 planning period. SIPs are due on July 31, 2021. In particular, ADEQ is working to evaluate current and projected ambient visibility conditions in Arkansas’s two Class I areas: Caney Creek and Upper Buffalo wilderness areas. ADEQ is also identifying and considering options for Arkansas’s long term strategy for improving visibility in Arkansas’s Class I areas during the 2021–2028 planning period.

<i>Completed Actions</i>	<i>Current Status</i>	<i>Next Steps</i>
	Interstate and FLM Consultation	Stakeholder Engagement
	Technical Analyses	SIP Proposal

Tentative Timeline



2015 Ozone Infrastructure SIP

Infrastructure and Transport SIPs

Clean Air Act Section 110(a)(1) and 110(a)(2) establish the programmatic elements required for infrastructure SIPs. ADEQ currently has a program in place to satisfy these programmatic elements; however, ADEQ cannot begin implementing the 2015 ozone NAAQS in the state, except for PSD and nonattainment new source review, until it is adopted by APC&EC. ADEQ plans to propose the 2015 ozone NAAQS infrastructure SIP concurrent with initiation of rulemaking by APC&EC to adopt the 2015 ozone NAAQS. ADEQ intends to propose to address the transport obligations under Clean Air Act Section 110(a)(2)(D) in a separate action. ADEQ will finalize both the infrastructure and transport SIPs upon final adoption of the 2015 ozone NAAQS by APC&EC.

Background

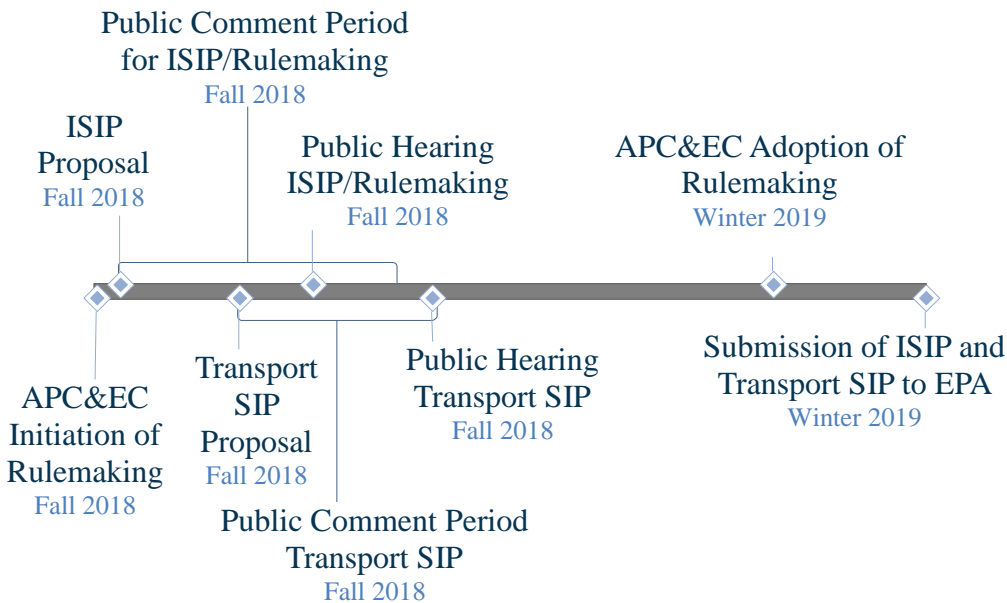
On October 26, 2015, EPA finalized an action to revise the ozone NAAQS from 75 parts per billion to 70 parts per billion.

The Clean Air Act requires EPA to review the currently available scientific literature to evaluate the protectiveness of the NAAQS every five years.

Promulgation of a new or revised NAAQS triggers certain requirements for states. One requirement is the development and submission of an “infrastructure SIP” that provides for the implementation, maintenance, and enforcement of a revised NAAQS within three years after EPA promulgates a new or revised NAAQS.

<i>Completed Actions</i>	<i>Current Status</i>	<i>Next Steps</i>
Initiation Packet Drafted	Preparation for Initiation and SIP proposal	Initiation of Rulemaking
Routing		SIP Proposal
		Public Comment Period and Hearing

Tentative Timeline



Air Integrated Regulation Streamlining Project SIP

Background:

In 2013, ADEQ Office of Air Quality Staff began work to combine four AP&EC air regulations into one regulation streamlined regulation by consolidating overlapping provisions, clarifying confusing language, and updating or repealing outdated provisions.

The four regulations to be combined are APC&EC Regulation No. 18, Regulation No. 19, Regulation No. 26, and Regulation No. 31.

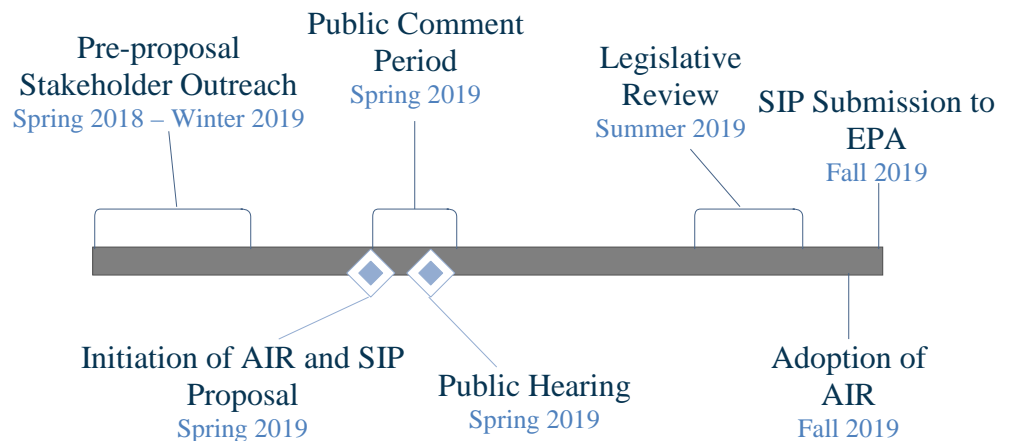
ADEQ is currently working to develop a SIP revision to replace previously SIP-approved Regulation No. 19, Regulation No. 26, and Regulation No. 31 provisions with the corresponding provisions in the new streamlined regulation.

Key Regulatory Updates

- T Consolidation of overlapping provisions
- T Reconciliation of inconsistencies
- T Clarification of applicability and requirements
- T Simplification of regulatory language
- T Stylistic and typographical edits
- T Removal of or updates to outdated, vacated, or stayed provisions
- T Removal of outdated VOC regulations for Pulaski County
- T Clarifications to Stage I Vapor Recovery Requirements and alignment with NESHAP Subpart CCCCCC
- T Reduced testing frequency for 111(d) designated Kraft Pulp Mills

<i>Completed Actions</i>	<i>Current Status</i>	<i>Next Steps</i>
Research Strawman draft developed and reviewed by OAQ Branch Managers Preparation of Pre-Proposal documents	Stakeholder and public engagement	Initiation and concurrent SIP proposal anticipated for in late 2018 or early 2019

Tentative Timeline



SSM SIP Call Regulatory and SIP Development Status

ADEQ filed with the APC&EC a petition to initiate rulemaking to address Regulation No. 19 provisions implicated in the SSM SIP Call. However, the primary federal action that triggered the necessity of this rulemaking—“State Implementation Plans: Response to Petition for Rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction” (SSM SIP Call)—has experienced a myriad of negative responses, including petitions for reconsideration and legal challenges. The Arkansas Attorney General participated in a lawsuit to halt the EPA’s perceived overreach of authority in this matter. Oral arguments in the legal challenge to EPA’s SSM SIP Call were originally scheduled for May 8, 2017; however, the new EPA administration under President Trump requested that the oral arguments be extended to provide adequate time for the appropriate officials to fully review the SSM SIP Call. EPA indicated that the prior positions taken by the Agency with respect to the SSM SIP Call “may not necessarily reflect its ultimate conclusions after [their review of that action] is complete.” To date, neither the new EPA administration nor the lawsuit has moved forward towards any resolution. ADEQ anticipates that EPA’s policy with respect to startup, shutdown, and malfunction may change and that any such change would require revisions to the amendments to contained in the this rulemaking. Such changes would necessitate an additional public comment period. Therefore, ADEQ finds that the previously proposed rulemaking is not prudent at this time and plans to recommend to APC&EC that the rulemaking be withdrawn.

Background

In 2015, EPA finalized a SIP Call in response to a petition from Sierra Club requiring 36 states, including Arkansas, to submit corrective SIP revisions to address provisions deemed inconsistent with EPA’s interpretation of Clean Air Act requirements for excess emissions during periods of startup, shutdown, and malfunction.

Two APC&EC regulatory provisions were found inadequate to meet Clean Air Act requirements pertaining to periods of SSM: Reg. 19.602 and Reg. 19.1004(H)

SIP revisions were due November 22, 2016.

<i>Completed Actions</i>	<i>Current Status</i>	<i>Next Steps</i>
Rulemaking initiated April 29, 2016	Recommendation to APC&EC that rulemaking be withdrawn	APC&EC determines whether to withdraw rulemaking 9/28/18
Public Hearing: June 6, 2016		
Responsive summary drafted and routed		

