

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1505

By: Representative Davis

For An Act To Be Entitled

AN ACT TO CLARIFY THE DEFINITION OF AN NAAQS STATE IMPLEMENTATION PLAN; TO CLARIFY THE REQUIREMENT FOR WRITTEN EXPLANATIONS IN SUPPORT OF NAAQS IMPLEMENTATION PLANS; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THE DEFINITION OF AN NAAQS STATE IMPLEMENTATION PLAN AND THE REQUIREMENT FOR WRITTEN EXPLANATIONS IN SUPPORT OF NAAQS IMPLEMENTATION PLANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 8-4-303(11), concerning the definitions related to air pollution under the Arkansas Water and Air Pollution Control Act, is amended to read as follows:

(11) "NAAQS state implementation plan" means a state implementation plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act, ~~42 U.S.C. § 7401 et seq.~~ 42 U.S.C. § 7410, for the attainment and maintenance of a specified National Ambient Air Quality Standard;

SECTION 2. Arkansas Code § 8-4-317(b)(1)(C), concerning a NAAQS state implementation plan under the Arkansas Water and Air Pollution Control Act, is amended to read as follows:

(C)(i) In the case of any emission limit, work practice or operational standard, environmental standard, analytical method, air



dispersion modeling requirement, or monitoring requirement that is incorporated as an element of the proposed state implementation plan submittal, the record of the proposed action shall include a written explanation of the rationale for the proposal, demonstrating the reasoned consideration of the factors in § 8-4-312 as applicable, the need for each measure in attaining or maintaining the National Ambient Air Quality Standards as applicable, and that any requirements or standards are based upon generally accepted scientific knowledge and engineering practices.

(ii) For any standard or requirement that is identical to the applicable Arkansas Pollution Control and Ecology Commission regulation or federal regulation, the demonstration required under subdivision (b)(1)(C)(i) of this section may be satisfied by reference to the regulation. In all other cases, the department shall provide its own justification with appropriate reference to the scientific and engineering literature considered or the written studies conducted by the department.

APPROVED: 03/13/2017