

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

SCR 12

4
5 By: Senators Higginbotham, Luker
6 By: Representatives Sumpter, Davis
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9 **SENATE CONCURRENT RESOLUTION**

10 ENDORSING THE PRINCIPLES OF A MULTI-POLLUTANT
11 CONTROL PROGRAM; SUPPORTING FEDERAL FUNDING FOR
12 STATES AND REGIONAL PLANNING ORGANIZATIONS FOR
13 CLEAN AIR MANDATES; AND ENCOURAGING DESIGNATION
14 OF CRITTENDEN COUNTY AS AN ECONOMIC DEVELOPMENT
15 ZONE TO ALLOW CONTINUED OPPORTUNITY CONSISTENT
16 WITH CLEAN AIR GOALS.

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19 **Subtitle**

20 ENDORSING THE PRINCIPLES OF A MULTI-
21 POLLUTANT CONTROL PROGRAM.
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24 WHEREAS, the federal Environmental Protection Agency is on the verge of
25 requiring states to submit implementation plans for the control of multiple
26 air pollutants, the diminishment of regional haze, and the protection of
27 visibility in national parks and wilderness areas and has also been charged
28 with the development of new control technology standards that are implemented
29 through the federal Operating Air Permit program; and
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31 WHEREAS, the new implementation plans and permitting standards will
32 require modification of state air pollution regulations and require the
33 Arkansas Department of Environmental Quality to implement new federal
34 mandates for various regulated entities and to establish procedures for
35 addressing the transportation-related aspects of regional air pollution; and
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1 WHEREAS, regional planning organizations were established and funded to
2 efficiently provide training and technical studies necessary to assist states
3 in meeting new federal mandates; and
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5 WHEREAS, regulated entities will be required to fund and implement new
6 control systems achieving substantial reductions in emissions of regulated
7 air pollutants, and transportation planners will be required to develop new
8 approaches to developing and managing transportation networks; and
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10 WHEREAS, currently mandated implementation schedules for the new
11 environmental initiatives are uncoordinated, change over relatively short
12 periods of time, and impose burdensome, diverse, and divergent emission
13 reduction requirements that create considerable uncertainty with respect to
14 investment planning and decision-making for regulated entities; and
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16 WHEREAS, a holistic approach to the process of implementing future
17 environmental requirements will provide states and the regulated community
18 the opportunity to make informed and optimal compliance decisions that create
19 both economic and environmental well-being for the citizens of the State of
20 Arkansas; and
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22 WHEREAS, the timely coordination of the schedules and requirements can
23 only be accomplished through appropriate action by the United States Congress
24 and the federal Environmental Protection Agency; and
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26 WHEREAS, the federal Environmental Protection Agency has designated
27 certain areas, including Crittenden County, Arkansas, as not attaining the
28 National Ambient Air Quality Standard for revised ozone standards and has
29 required states to develop regulatory programs necessary to demonstrate the
30 attainment of the standards under specified timeframes; and
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32 WHEREAS, the federal Environmental Protection Agency is considering a
33 new National Ambient Air Quality Standard for fine particulate matter which
34 may impose additional requirements on certain areas in the State of Arkansas;
35 and
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1 WHEREAS, the Federal Environmental Protection Agency is also scheduled
2 to promulgate requirements that will regulate emissions of mercury; and

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4 WHEREAS, state implementation plans may rely on approved national,
5 regional, and, where necessary, local emission reduction strategies to comply
6 with the requirements; and

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8 WHEREAS, due to regional transport of certain emissions, reductions of
9 emissions at sources located outside the legal jurisdiction of the state will
10 be necessary to achieve attainment or maintain attainment of certain
11 standards and to improve the health of Arkansans and preserve the scenic
12 integrity of the natural resources of the State of Arkansas; and

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14 WHEREAS, as a condition for continued federal funding of state highway
15 programs, states may be required to develop new programs that will impose new
16 burdens on citizens and commerce; and

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18 WHEREAS, Crittenden County, Arkansas, and Shelby County, Tennessee,
19 have committed to a coordinated plan to demonstrate attainment of the
20 National Ambient Air Quality Standard for ozone by 2007; and

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22 WHEREAS, the United States Congress, through the Clean Air Act,
23 provided authority to the Administrator of the Environmental Protection
24 Agency to designate certain areas which are not attaining the National
25 Ambient Air Quality Standards as economic development zones; and

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27 WHEREAS, the Arkansas Department of Environmental Quality has requested
28 that the Administrator of the Environmental Protection Agency designate
29 Crittenden County, Arkansas, as an economic development zone to ensure
30 continued economic opportunities in the area consistent with clean air goals,

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32 NOW THEREFORE,

33 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-FIFTH GENERAL ASSEMBLY
34 OF THE STATE OF ARKANSAS, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

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36 THAT the Senate and House of Representatives of the General

1 Assembly endorse the principles of a multi-pollutant control program
2 consisting of strategies that will achieve mandated clean air goals in a
3 coordinated and efficient approach that provides regulatory certainty.
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5 BE IT FURTHER RESOLVED THAT the United States Congress is encouraged to
6 enact legislation during its current session furthering the principle of
7 coordinating multi-pollutant control strategies, to require that the federal
8 Environmental Protection Agency prepare and formally propose through a public
9 rulemaking process any necessary and appropriate revisions to the
10 implementation schedules that are currently, or soon will be, mandated by
11 federal air pollution control programs, including ozone implementation rules.
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13 BE IT FURTHER RESOLVED THAT the President of the United States and the
14 United States Congress are encouraged to maintain full funding levels to
15 states and regional planning organizations for purposes of implementing the
16 mandates.
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18 BE IT FURTHER RESOLVED THAT the President of the United States and the
19 Administrator of the Environmental Protection Agency are encouraged to
20 designate Crittenden County, Arkansas, as an economic development zone
21 pursuant to the Clean Air Act.
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23 BE IT FURTHER RESOLVED that appropriate copies of this resolution be
24 transmitted by the Secretary of the Arkansas Senate to the President of the
25 United States, the Congressional delegation of the State of Arkansas, and the
26 Administrator of the federal Environmental Protection Agency.
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