

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<b>Rule 19</b>	<b>State or Federal Corresponding Term</b>	
<b>Definition</b>	<b>Citation</b>	<b>Definition or Notes</b>
<p>“Actual emissions” means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of stationary source operation or amount of material processed.</p>	<p>40 CFR § 51.491</p>	<p>Actual emissions means the emissions of a pollutant from an affected source determined by taking into account actual emission rates associated with normal source operation and actual or representative production rates (i.e., capacity utilization and hours of operation).</p>
<p>“Clean Air Act” means the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq.</p>	<p>40 CFR § 51.100</p>	<p>Act means the Clean Air Act (42 U.S.C. 7401 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676 Pub. L. 95-95, 91 Stat., 685 and Pub. L. 95-190, 91 Stat., 1399.)</p>
<p>“CO2 equivalent emissions” means an amount of greenhouse gases emitted that is computed by multiplying the mass amount of emissions in tons per year, for each of the six (6) greenhouse gases in the air pollutant greenhouse gases, by the gas’s associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98 “Global Warming Potentials” and summing the resultant value for each to compute a tons per year of CO2 equivalent emissions. Table A-1 to Subpart A of 40 C.F.R. Part 98 is incorporated by reference as of January 1, 2015.</p>	<p>40 CFR 51.166(b)(48)(ii)</p>	<p>CO2 equivalent emissions (CO2e) shall represent an amount of GHGs emitted, and shall be computed as follows: (a) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of this chapter - Global Warming Potentials. For purposes of this paragraph (b)(48)(ii)(a), prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material). (b) Sum the resultant value from paragraph (b)(48)(ii)(a) of this section for each gas to compute a tpy CO2e.</p>
<p>“Commission” means the Arkansas Pollution Control and Ecology Commission.</p>	<p>APC&amp;EC Regulation No. 8</p>	<p>“Commission” means the Arkansas Pollution Control and Ecology Commission</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Construction” means fabrication, erection, or installation of equipment.</p>	<p>40 CFR § 51.166</p>	<p>Construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.</p>
<p>“Control apparatus” means any device that prevents, controls, detects or records the emission of any federally regulated air pollutants.</p>	<p>None found in Arkansas or Federal law</p>	<p>Note: Historic records pertaining to other state programs have similar language See <a href="#">“Local Laws of the City of New York for the Year 1968”</a></p>
<p>“Criteria pollutant” means an air pollutant for which the EPA sets a national ambient air quality standard pursuant to § 108 of the Clean Air Act.</p>	<p>None</p>	<p>Note: Commonly used term, Section 108 authorizes/requires EPA to promulgate standards for these pollutants</p>
<p>“Director” means the Director of the Division, or its successor, acting directly or through the staff of the Division.</p>	<p>None</p>	
<p>“Division” means the Division of Environmental Quality, or its successor. When Rule 19 makes reference to actions taken by or with reference to the Division, the reference is to the staff of the Division acting at the direction of the Director of the Division.</p>	<p>None</p>	
<p>“Emission limitation” and “emission standard” mean a requirement established by the Division or the Administrator of the EPA that limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements that limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a stationary source to assure continuous emission reduction.</p>	<p>40 CFR § 51.100</p>	<p>(z) Emission limitation and emission standard mean a requirement established by a State, local government, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Emission unit” means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.</p>	<p>40 CFR § 51.165</p>	<p>Emissions unit Emissions unit means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric steam generating unit as defined in paragraph (a)(1)(xx) of this section. For purposes of this section, there are two types of emissions units as described in paragraphs (a)(1)(vii)(A) and (B) of this section. (A) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated. (B) An existing emissions unit is any emissions unit that does not meet the requirements in paragraph (a)(1)(vii)(A) of this section. A replacement unit, as defined in paragraph (a)(1)(xxi) of this section, is an existing emissions unit.</p>
<p>“EPA” means the United States Environmental Protection Agency.</p>	<p>40 CFR 63.2</p>	<p>EPA means the United States Environmental Protection Agency.</p>
<p>“Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of a federally regulated air pollutant into the open air, including any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.</p>	<p>None found in Arkansas or federal law</p>	<p>Note: Similar language found in <a href="#">“Air Pollution 1968 Hearings before the Subcommittee on Air and Water Pollution of the Committee on Public Works United States Senate”</a></p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Federally regulated air pollutant” means the following:</p> <p>(A) Nitrogen oxides or any volatile organic compounds;</p> <p>(B) Any air pollutant for which a national ambient air quality standard has been promulgated;</p> <p>(C) Except as provided in Paragraph (E) of this definition, any air pollutant that is subject to any standard promulgated under the Clean Air Act, as of the effective date of Rule 19;</p> <p>(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, as of the effective date of Rule 19.</p> <p>(E) Greenhouse gases, except that greenhouse gases shall not be a federally regulated air pollutant unless the greenhouse gas emissions are:</p> <p>(1) From a stationary source emitting or having the potential to emit seventy-five thousand (75,000) tons per year or more of CO2 equivalent emissions; and</p> <p>(2) Regulated under Chapter 9 of Rule 19.</p>		<p>“Regulated air pollutant means the following:</p> <p>(1) Nitrogen oxides or any volatile organic compounds;</p> <p>(2) Any pollutant for which a national ambient air quality standard has been promulgated;</p> <p>(3) Any pollutant that is subject to any standard promulgated under section 111 of the Act;</p> <p>(4) Any Class I or II substance subject to a standard promulgated under or established by title VI of the Act; or</p> <p>(5) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the Act, including sections 112(g), (j), and (r) of the Act, including the following:</p> <p>(i) Any pollutant subject to requirements under section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to section 112(e) of the Act; and</p> <p>(ii) Any pollutant for which the requirements of section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to section 112(g)(2) requirement.</p>
<p>“Fugitive emissions” means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening according to customary and good engineering practice and considering technological and economic feasibility. For those industries for which an approved EPA definition exists under federal law or regulation and are meeting that law or regulation, the EPA-approved definition shall take precedence.</p>	<p>40 CFR § 51.165</p>	<p>Fugitive emissions means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

“Greenhouse gases” means the aggregate group of six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.	40 CFR § 51.166(b)(48)(i)	(i) Greenhouse gases (GHGs), the air pollutant defined in § 86.1818-12(a) of this chapter as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (b)(48)(iv) through (v) of this section.
“Hazardous air pollutant” means any air pollutant listed pursuant to § 112 of the Clean Air Act as of the effective date of Rule 19.	42 USC 7412	(6) Hazardous air pollutant The term "hazardous air pollutant" means any air pollutant listed pursuant to subsection (b) of this section.

DRAFT

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Major source” means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person [or persons under common control]) belonging to a single major industrial grouping and that are described in subsection (A), (B), or (C) of this definition. For the purposes of defining “major source,” a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the air pollutant emitting activities at the stationary source or group of stationary sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.</p> <p>(A) A major source under § 112 of the Clean Air Act, which is defined as:</p> <p>(1) For air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant that has been listed pursuant to § 112(b) of the Clean Air Act, twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or a lesser quantity as the EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources; or</p>	<p>40 CFR 51.165 and 40 CFR 63.2</p>	<p>(A) Major stationary source means:</p> <p>(1) Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant (as defined in paragraph (a)(1)(xxxvii) of this section), except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the Act, according to paragraphs (a)(1)(iv)(A)(1)(i) through (viii) of this section.</p> <p>(i) 50 tons per year of Volatile organic compounds in any serious ozone nonattainment area.</p> <p>(ii) 50 tons per year of Volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.</p> <p>(iii) 25 tons per year of Volatile organic compounds in any severe ozone nonattainment area.</p> <p>(iv) 10 tons per year of Volatile organic compounds in any extreme ozone nonattainment area.</p> <p>(v) 50 tons per year of Carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to Carbon monoxide levels in the area (as determined under rules issued by the Administrator).</p> <p>(vi) 70 tons per year of PM10 in any serious nonattainment area for PM10.</p> <p>(vii) 70 tons per year of PM2.5 in any serious nonattainment area for PM2.5.</p> <p>(viii) 70 tons per year of any individual precursor for PM2.5 (as defined in paragraph (a)(1)(xxxvii) of this section), in any serious nonattainment area for PM2.5.</p> <p>(2) For the purposes of applying the requirements of paragraph (a)(8) of this section to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in paragraphs (a)(1)(iv)(A)(2)(i) through (vi) of this section shall apply in areas subject to subpart 2 of part D, title I of the Act.</p> <p>(i) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.</p> <p>(ii) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.</p>
--	--	--

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(2) For radionuclides, “major source” shall have the meaning specified by the EPA by rule.</p>		
<p>(B) A major stationary source of air pollutants, as defined in § 302 of the Clean Air Act, that directly emits or has the potential to emit, one hundred (100) tons per year or more of any federally regulated air pollutant (including any major source of fugitive emissions of any federally regulated air pollutant, as determined by rule by EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of § 302(j) of the Clean Air Act, unless the stationary source belongs to one of the following categories of stationary sources:</p>		<p>(iii) 100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Act as attainment or unclassifiable for ozone that is located in an ozone transport region.</p> <p>(iv) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.</p> <p>(v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.</p> <p>(vi) 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone; or</p> <p>3) Any physical change that would occur at a stationary source not qualifying under paragraphs (a)(1)(iv)(A)(1) or (2) of this section as a major stationary source, if the change would constitute a major stationary source by itself.</p> <p>(B) A major stationary source that is major for volatile organic compounds shall be considered major for ozone</p> <p>(C) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<ul style="list-style-type: none"><li>(1) Coal cleaning plants (with thermal dryers);</li><li>(2) Kraft pulp mills;</li><li>(3) Portland cement plants;</li><li>(4) Primary zinc smelters;</li><li>(5) Iron and steel mills;</li><li>(6) Primary aluminum ore reduction plants;</li><li>(7) Primary copper smelters;</li><li>(8) Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day;</li><li>(9) Hydrofluoric, sulfuric, or nitric acid plants;</li><li>(10) Petroleum refineries;</li><li>(11) Lime plants;</li><li>(12) Phosphate rock processing plants;</li><li>(13) Coke oven batteries;</li><li>(14) Sulfur recovery plants;</li><li>(15) Carbon black plants (furnace process);</li><li>(16) Primary lead smelters;</li><li>(17) Fuel conversion plant;</li><li>(18) Sintering plants;</li><li>(19) Secondary metal production plants;</li></ul>		<ul style="list-style-type: none"><li>(1) Coal cleaning plants (with thermal dryers);</li><li>(2) Kraft pulp mills;</li><li>(3) Portland cement plants;</li><li>(4) Primary zinc smelters;</li><li>(5) Iron and steel mills;</li><li>(6) Primary aluminum ore reduction plants;</li><li>(7) Primary copper smelters;</li><li>(8) Municipal incinerators capable of charging more than 250 tons of refuse per day;</li><li>(9) Hydrofluoric, sulfuric, or nitric acid plants;</li><li>(10) Petroleum refineries;</li><li>(11) Lime plants;</li><li>(12) Phosphate rock processing plants;</li><li>(13) Coke oven batteries;</li><li>(14) Sulfur recovery plants;</li><li>(15) Carbon black plants (furnace process);</li><li>(16) Primary lead smelters;</li><li>(17) Fuel conversion plants;</li><li>(18) Sintering plants;</li><li>(19) Secondary metal production plants;</li></ul>
--	--	---



DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(20) Chemical process plants;</p> <p>(21) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty (250) million British thermal units per hour heat input;</p> <p>(22) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;</p> <p>(23) Taconite ore processing plants;</p> <p>(24) Glass fiber processing plants;</p> <p>(25) Charcoal production plants;</p> <p>(26) Fossil-fuel-fired steam electric plants of more than two hundred fifty (250) million British thermal units per hour heat input; or</p> <p>(27) Any other stationary source category, that, as of August 7, 1980, is being regulated under § 111 or 112 of the Clean Air Act.</p>		<p>(20) Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;</p> <p>(21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;</p> <p>(22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;</p> <p>(23) Taconite ore processing plants;</p> <p>(24) Glass fiber processing plants;</p> <p>(25) Charcoal production plants;</p> <p>(26) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and</p> <p>(27) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.</p>
--	--	---

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(C) A major stationary source as defined in Part D of Title I of the Clean Air Act, including:</p> <p>(1) For ozone nonattainment areas, stationary sources with the potential to emit:</p> <p>(a) One hundred (100) tons per year or more of volatile organic compounds or nitrogen oxides in areas classified as “marginal” or “moderate;”</p> <p>(b) Fifty (50) tons per year or more in areas classified as “serious;”</p> <p>(c) Twenty-five (25) tons per year or more in areas classified as “severe;” and</p> <p>(d) Ten (10) tons per year or more in areas classified as “extreme.”</p> <p>(e) The references in Paragraph (C)(1)(a)–(d) of this definition to one hundred (100), fifty (50), twenty-five (25), and ten (10) tons per year of nitrogen oxides shall not apply with respect to any stationary source for which EPA has made a finding, under § 182(f)(1) or (2) of the Clean Air Act, that requirements under § 182(f) of the Clean Air Act do not apply;</p>		<p>Major source means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.</p>
---	--	---

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

- |   |  |  |
|---|--|--|
| <p>(2) For ozone transport regions established pursuant to § 184 of the Clean Air Act, stationary sources with the potential to emit fifty (50) tons per year or more of volatile organic compounds;</p> <p>(3) For carbon monoxide nonattainment areas that are classified as “serious” and where stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by EPA, stationary sources with the potential to emit fifty (50) tons per year or more of carbon monoxide; and</p> <p>(4) For PM10 nonattainment areas classified as “serious,” stationary sources with the potential to emit seventy (70) tons per year or more of PM10.</p> |  |  |
|---|--|--|

DRAFT

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Modification” means any physical change in, or change in the method of operation of, a stationary source that increases the emission rate of any federally regulated air pollutant over permitted rates or which results in the emission of a federally regulated air pollutant not previously emitted, except that:</p> <p>(A) Routine maintenance, repair, and replacement shall not be considered a physical change, and</p> <p>(B) The following shall not be considered a change in the method of operation:</p> <p>(1) Any change in the production rate, if the change does not exceed the permitted operating capacity of the stationary source;</p> <p>(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or</p> <p>(3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.</p> <p>(C) De Minimis changes, as defined in Rule 19.407(C) and changes in ownership shall not be considered modifications.</p>	<p>40 CFR 60.2</p>	<p>Modification means any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.</p>
<p>“National ambient air quality standards” means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of Rule 19, as set forth in Appendix B of Rule 19.</p>	<p>40 CFR § 51.491</p>	<p>National ambient air quality standard (NAAQS) means a standard set by the EPA at 40 CFR part 50 under section 109 of the Act.</p>
<p>“Opacity” means the degree to which air emissions reduce the transmission of light and obscure the view of an object in the background.</p>	<p>40 CFR 63.2</p>	<p>Opacity means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Operator” means any person who leases, operates, controls, or supervises any equipment affected by Rule 19.</p>	<p>40 CFR 51.100</p>	<p>Owner or operator means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect.</p>
<p>“Owner” means any person who has legal or equitable title to any stationary source, facility, or equipment affected by Rule 19.</p>		
<p>“Part 70 source” means any stationary source subject to the permitting requirements of Rule 26.</p>	<p>None</p>	
<p>“Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than one hundred (100) micrometers.</p>	<p>40 CFR 51.100</p>	<p>(oo) Particulate matter means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.</p>
<p>“Particulate matter emissions” means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 C.F.R. Part 60 Appendix A as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto, with the exception of condensable particulate matter.</p>	<p>40 CFR 51.100</p>	<p>(pp) Particulate matter emissions means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified in this chapter, or by a test method specified in an approved State implementation plan.</p>
<p>“Person” means any individual or other legal entity or their legal representative or assignee.</p>	<p>Ark. Code Ann 8-4-102</p>	<p>(6) “Person” means any state agency, municipality, governmental subdivision of the state or the United States, public or private corporation, individual, partnership, association, or other entity;</p>
<p>“PM2.5” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 as of the effective date of Rule 19, or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.</p>	<p>None</p>	<p>Note: Modification to PM10 definition based on particle size</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“PM2.5 emissions” means PM2.5 emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto.</p>	<p>None</p>	<p>Note: Modification to PM10 emissions definition based on particle size</p>
<p>“PM10” means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 C.F.R. Part 50 as of the effective date of Rule 19, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.</p>	<p>40 CFR 51.100</p>	<p>PM10 means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on appendix J of part 50 of this chapter and designated in accordance with part 53 of this chapter or by an equivalent method designated in accordance with part 53 of this chapter.</p>
<p>“PM10 emissions” means PM10 emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto.</p>	<p>40 CFR 51.100</p>	<p>PM10 emissions means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in this chapter or by a test method specified in an approved State implementation plan.</p>

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Potential to emit” means the maximum capacity of a stationary source to emit a federally regulated air pollutant under its physical and operational design.</p> <p>(A) Any physical or operational limitation on the capacity of the stationary source to emit a federally regulated air pollutant, including without limitation, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the Clean Air Act.</p> <p>(B) Secondary air emissions do not count in determining the potential to emit of a stationary source.</p>	<p>40 CFR 51.165(a)(1)(iii)</p>	<p>Potential to emit means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.</p>
---	-------------------------------------	---

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“Responsible official” means one of the following:</p> <p>(A) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of the person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:</p> <p>(1) The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000 in second quarter 1980 United States dollars); or</p> <p>(2) The delegation of authority to the representative is approved in advance by the Division;</p> <p>(B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;</p> <p>(C) For a municipality, State, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Rule 19, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or</p>	<p>40 CFR 70.2</p>	<p>Responsible official means one of the following:</p> <p>(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:</p> <p>(i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or</p> <p>(ii) The delegation of authority to such representatives is approved in advance by the permitting authority;</p> <p>(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;</p> <p>(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or</p> <p>(4) For affected sources:</p> <p>(i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the Act or the regulations promulgated thereunder are concerned; and</p> <p>(ii) The designated representative for any other purposes under part 70.</p>
--	--------------------	--



DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(D) For acid rain stationary sources:</p> <p>(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; and</p> <p>(2) The designated representative for any other purposes under 40 CFR Part 70.</p>		
<p>“Rule 8” means Arkansas Pollution Control and Ecology Commission Regulation No. 8 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 8 means Arkansas Pollution Control and Ecology Commission Rule 8.</p>	None	
<p>“Rule 9” means Arkansas Pollution Control and Ecology Commission Regulation No. 9 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 9 means Arkansas Pollution Control and Ecology Commission Rule 9.</p>	None	
<p>“Rule 18” means Arkansas Pollution Control and Ecology Commission Regulation No. 18, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 18 means Arkansas Pollution Control and Ecology Commission Rule 18.</p>	None	
<p>“Rule 26” means Arkansas Pollution Control and Ecology Commission Regulation No. 26, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 26 means Arkansas Pollution Control and Ecology Commission Rule 26.</p>	None	
<p>“Shutdown” means the cessation of operation of equipment.</p>	40 CFR 60.2	Shutdown means the cessation of operation of an affected facility for any purpose.
<p>“Startup” means the setting in operation of equipment.</p>	40 CFR 60.2	Startup means the setting in operation of an affected facility for any purpose.

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>“State implementation plan” (as defined at Ark. Code Ann. § 8-4-303), means a plan that specifies measures to be used in the implementation of the state’s duties under the Clean Air Act and that is developed by the Division and submitted to the EPA for review and approval.</p>	<p>Ark. Code Ann. § 8-4-303</p>	<p>(14) “State implementation plan” means a 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., and that is developed by the division and submitted to the United States Environmental Protection Agency for review and approval.</p>
<p>“Stationary source” means any building, structure, facility, or installation that emits or may emit any federally regulated air pollutant.</p>	<p>40 CFR § 51.165</p>	<p>Stationary source means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.</p>
<p>“Title I modification” means any modification as defined under any rule promulgated pursuant to Title I of the Clean Air Act. De Minimis changes under Rule 19, changes to state-only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.</p>	<p>None</p>	<p>Note: Existing definition in Regulation No. 19. Intended to clarify what cannot be processed as a minor modification in 26.</p>
<p>“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process that: (A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; (B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.</p>	<p>Ark. Code Ann. 8-4-308(a)(1)(A)</p>	<p>(A) Any information that constitutes a trade secret under § 4-75-601 et seq. that is obtained by the employees of the Department of Energy and Environment, the Division of Environmental Quality, or the Arkansas Pollution Control and Ecology Commission in the administration of this chapter shall be kept confidential, except for emission data that is submitted to the state, local agency, or the United States Environmental Protection Agency, which is otherwise obtained by any of those agencies pursuant to the Clean Air Act.</p>
<p>“Twelve-month period” means a period of twelve (12) consecutive months determined on a rolling basis with a new twelve-month period beginning on the first day of each calendar month.</p>		

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

“Volatile organic compounds” means any compound of carbon; excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate; that participates in atmospheric photochemical reactions.	40 CFR 51.100	Volatile organic compounds (VOC) means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
---	---------------	--

DRAFT

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(A) This includes any organic compound other than the following, which have been determined to have negligible photochemical reactivity:</p> <p>acetone;</p> <p>methane;</p> <p>ethane;</p> <p>methylene chloride (dichloromethane);</p> <p>1,1,1-trichloroethane (methyl chloroform);</p> <p>tetrachloroethylene (perchloroethylene);</p> <p>1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);</p> <p>trichlorofluoromethane (CFC-11);</p> <p>dichlorodifluoromethane (CFC-12);</p> <p>chlorodifluoromethane (HCFC-22);</p> <p>trifluoromethane (HFC-23);</p> <p>1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);</p> <p>chloropentafluoroethane (CFC-115);</p> <p>1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);</p> <p>1,1,1,2-tetrafluoroethane (HFC-134a);</p> <p>1,1-dichloro-1-fluoroethane (HCFC-141b);</p> <p>1-chloro-1,1-difluoroethane (HCFC-142b);</p> <p>2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);</p> <p>pentafluoroethane (HFC-125);</p> <p>1,1,2,2-tetrafluoroethane (HFC-134);</p> <p>1,1,1-trifluoroethane (HFC-143a);</p> <p>1,1-difluoroethane (HFC-152a);</p>	<p>(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CF2OC2H5); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3, HFE-7000); 3-ethoxy- 1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane</p>
---	--

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>parachlorobenzotrifluoride (PCBTF);  cyclic, branched, or linear completely methylated siloxanes;  3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);  1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);  1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);  difluoromethane (HFC-32);  fluoroethane (ethyl fluoride or HFC-161);  1,1,1,3,3,3-hexafluoropropane (HFC-236fa);  1,1,2,2,3-pentafluoropropane (HFC-245ca);  1,1,2,3,3-pentafluoropropane (HFC 245ea);  1,1,1,2,3-pentafluoropropane (HFC-245eb);  1,1,1,3,3-pentafluoropropane (HFC-245fa);  1,1,1,2,3,3-hexafluoropropane (HFC-236ea);  1,1,1,3,3-pentafluorobutane (HFC-365mfc);  chlorofluoromethane (HCFC-31);  1-chloro-1-fluoroethane (HCFC-151a);  1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100);  2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3);  1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE 7200);  2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5);  1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3 or HFE-7000);  3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane</p>		<p>HCF2OCF2OCF2H (HFE-236cal2); HCF2OCF2CF2OCF2H (HFE-338pcc13);  HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2-Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z);</p>
---	--	---

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH<sub>3</sub>); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl carbonate; (1E)-1,3,3,3-tetrafluoroprop-1-ene (HFO-1234ze); HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2); HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338pcc13); HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 [or 150 or 180]); (1E)-1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z); and perfluorocarbon compounds which fall into these classes:</p>		
---	--	--

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

<p>(1) Cyclic, branched, or linear, completely fluorinated alkanes;</p> <p>(2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;</p> <p>(3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and</p> <p>(4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.</p> <p>(B) For purposes of determining compliance with emission limits, volatile organic compounds are measured by the test methods in the approved state implementation plan or 40 C.F.R. Part 60, Appendix A, as applicable. Where a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of the compounds is accurately quantified, and the exclusion is approved by the Division.</p>	<p>and perfluorocarbon compounds which fall into these classes:</p> <p>(i) Cyclic, branched, or linear, completely fluorinated alkanes;</p> <p>(ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;</p> <p>(iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and</p> <p>(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.</p> <p>(2) For purposes of determining compliance with emissions limits, VOC will be measured by the test methods in the approved State implementation plan (SIP) or 40 CFR part 60, appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibility-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the enforcement authority.</p> <p>(3) As a precondition to excluding these compounds as VOC or at any time thereafter, the enforcement authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the enforcement authority, the amount of negligibly-reactive compounds in the source's emissions.</p>
---	--

DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

(C) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the Division may require an owner or operator of a stationary source to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Division, the amount of negligibly-reactive compounds in the emissions from the stationary source.

(D) [Reserved]

(4) For purposes of Federal enforcement for a specific source, the EPA shall use the test methods specified in the applicable EPA-approved SIP, in a permit issued pursuant to a program approved or promulgated under title V of the Act, or under 40 CFR part 51, subpart I or appendix S, or under 40 CFR parts 52 or 60. The EPA shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the above provisions.

(5) [Reserved]

(6) For the purposes of determining compliance with California's aerosol coatings reactivity-based regulation, (as described in the California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 8.5, Article 3), any organic compound in the volatile portion of an aerosol coating is counted towards that product's reactivity-based limit. Therefore, the compounds identified in paragraph (s) of this section as negligibly reactive and excluded from EPA's definition of VOCs are to be counted towards a product's reactivity limit for the purposes of determining compliance with California's aerosol coatings reactivity-based regulation.

(7) For the purposes of determining compliance with EPA's aerosol coatings reactivity based regulation (as described in 40 CFR part 59 - National Volatile Organic Compound Emission Standards for Consumer and Commercial Products) any organic compound in the volatile portion of an aerosol coating is counted towards the product's reactivity-based limit, as provided in 40 CFR part 59, subpart E. Therefore, the compounds that are used in aerosol coating products and that are identified in paragraphs (s)(1) or (s)(5) of this section as excluded from EPA's definition of VOC are to be counted towards a product's reactivity limit for the purposes of determining compliance with EPA's aerosol coatings reactivity-based national regulation, as provided in 40 CFR part 59, subpart E.



DISCUSSION AID: This is a draft working document with the sole purpose of facilitating conversation. It does not reflect the position of the Governor or the Arkansas Department of Energy and Environment.

DRAFT