

REGULATION NO. 18 CROSSWALK AND REGULATORY LANGUAGE COMPARISON

Regulation No. 18, Chapter 1

Previous Citation	New Citation	Comments
<p>Reg. 18.101 Title The following rules and regulations, adopted pursuant to Subchapter 2 of the Arkansas Water and Air Pollution Control Act (Arkansas Code Annotated [Ark. Code Ann.]—§ 8-4-101 <i>et seq.</i>) shall be referred to as the “Arkansas Air Pollution Control Code,” hereinafter the “Air Code,” the “Code,” or “Regulation 18.”</p>	<p>Reg. 35.101 Title The following rules and regulations, adopted pursuant to Subchapter 2 of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101, <i>et seq.</i>) shall be referred to as the <u>“Arkansas Air Quality Regulation”</u> hereinafter <u>“Regulation 35” or “this Regulation.”</u></p>	<p>The title provision in Regulations No. 18, 19, 26, and 31 have been consolidated. Change reflects the title of the new regulation.</p>
<p>Reg. 18.102 Intent and Construction Regulation 18 consists of those rules and regulations deemed necessary and desirable by the Commission for control of air pollution pursuant to its rulemaking mandates under State law [Ark. Code Ann. §§ 8-4-311(b)(1) and 8-1-203(b)(1)]; Regulation 18 should be construed as consistent with the “Legislative Intent and Purpose” of air pollution control regulations set out in Ark. Code Ann. §§ 8-4-301 and 302, as those provisions apply to the Department’s permitting, enforcement, and administrative functions (Ark. Code Ann. § 8-1-202) and the Commission’s rulemaking and adjudicatory functions (Ark. Code Ann. § 8-1-203).</p> <p>By authority of the same State law, the Commission has also adopted Regulation 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control (Regulation 19) and Regulation 26, Regulations of the Arkansas Operating Air Permit Program (Regulation 26) which deal exclusively with regulations compelled by federal mandates and which are to some extent federally enforceable. It is the specific intent of Regulation 18 to preclude federal enforceability of Regulation 18 requirements. Regulation 18 permits or</p>	<p>Reg. 35.103 Intent and Construction</p> <p>((A) Regulation <u>35</u> consists of those rules and regulations deemed necessary and desirable by the <u>Arkansas Pollution Control and Ecology Commission</u></p> <p><u>(1) For the control of air pollution pursuant to its rulemaking mandates under State law [Ark. Code Ann. § 8-4-311(b)(1) and § 8-1-203(b)(1)]; and</u></p> <p><u>(2) To satisfy certain requirements of the Clean Air Act and the federal regulations stemming therefrom.</u></p> <p>((B) Regulation <u>35</u> should be construed as consistent with the “Legislative Intent and Purpose” of air pollution control regulations set out in Ark. Code Ann. § 8-4-301 and § 8-4-302, as those provisions apply to the Department’s permitting,</p>	<p>The provisions in Reg. 18.102 have been split into two different sections of Regulation No. 35. Some similar provisions in Regulations No. 18, 19, 26, and 31 have been consolidated; however, some provisions from Reg. 18.102 that were dissimilar to those in the other regulations have been separated into Chapter 3 of this Regulation, which contains provisions that are enforceable only as a matter of State law and will not be submitted to the EPA for inclusion in any State plan.</p> <p>Specifically, parts of Reg. 18.102(B),</p> <p>Other typographical and stylistic changes have been</p>

~~permit conditions issued under its authority, or enforcement issues arising from Regulation 18 shall not be deemed to be federally enforceable.~~

To the extent consistent with state law and efficient protection of the State's air quality, Regulation 18 shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with regulatory mandates. Any applicable documents (e.g. "White Papers," regulatory preambles, or interpretive memoranda) issued by the EPA which are consistent with this policy and the legislative intent of state laws governing air pollution control (Ark. Code Ann. § 8-4-301 *et seq.*) are aids for construing the requirements of Regulation 18. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this regulation unless manifestly inconsistent with its substantive terms.

In all applications of Regulation 18, the Department and Commission shall be guided to a resolution that categorically assures that:

- (1) The least possible injury will be done to human, plant, or animal life, or to property;
- (2) The public enjoyment of the State's air quality resources will be maintained; and
- (3) The resolution is consistent with the economic and industrial well-being of the State.

enforcement, and administrative functions (Ark. Code Ann. § 8-1-202) and the Arkansas Pollution Control and Ecology Commission's rulemaking and adjudicatory functions (Ark. Code Ann. § 8-1-203).

(C) By the authority of the same State law, the Arkansas Pollution Control and Ecology Commission has consolidated and replaced the provisions formerly contained in Arkansas Air Pollution Control Code (Regulation 18), Regulations of the Arkansas Plan of Implementation for Air Pollution Control (Regulation 19), Regulations of the Arkansas Operating Air Permit Program (Regulation 26), and Nonattainment New Source Review Requirements (Regulation 31) with this Arkansas Air Quality Regulation (Regulation 35). The intent of Regulation 35 is to present the air regulations in a streamlined and clear format to improve understanding of the requirements.

(D) Federal programs that the Department is responsible for administering include, but are not limited to:

- (1) Attainment and maintenance of the national ambient air quality standards (40 C.F.R. Part 50);
- (2) Certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60);
- (3) Provisions designed for the Prevention of

made.

Significant Deterioration (40 C.F.R. 52.21);

(4) Minor new source review as described in Chapter 10 of this Regulation (40 C.F.R. Part 51); and

(5) Certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63) as of July 1, 1997.

(6) Reg. 35.103(D) shall not limit the future delegation of federal programs to the Department for administration.

(E) To the extent consistent with State law and efficient protection of the State's air quality, Regulation 35 shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with regulatory mandates. Any applicable documents (e.g. "White Papers", regulatory preambles, or interpretive memoranda) issued by the EPA or the Department that are consistent with this policy and the legislative intent of State laws governing air pollution control (Ark. Code Ann. §§ 8-4-301, *et seq.*) are aids for construing the requirements of Regulation 35. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this Regulation unless manifestly inconsistent with its substantive terms.

(F) Regulation 35 is further intended to limit the

federal enforceability of its requirements to only those mandated by federal law. Regulation 35 is also intended to facilitate a permit system for stationary sources within the State. Each permit shall designate the provisions that are federally enforceable and the provisions that are State enforceable.

(G) Regulation 35 presumes a single-permit system, encompassing both federal and State requirements. A regulated facility that is subject to permitting under Regulation 35 shall be required to apply for and comply with only one permit, even though that permit may contain conditions derived from the federal mandates contained in Regulation 35, as well as conditions predicated solely on State law. Regulation 35, through construction or implication, shall not support the conclusion that all conditions of a permit have become federally enforceable because the permit contains provisions derived from Regulation 35. Permits or permit conditions issued under the authority of State law, or enforcement issues arising out of State law, shall not be federally enforceable.

(H) Nothing in Regulation 35 shall be construed as curtailing the Department's or the Arkansas Pollution Control and Ecology Commission's authority under State law.

Reg. 35.3.101 Intent

(A) It is the specific intent of Chapter 3 to preclude federal enforceability of Chapter 3 requirements. Permits or permit conditions issued under Chapter 3 or enforcement issues arising from Chapter 3 shall not be federally enforceable.

	<p>(B) In all applications of <u>Chapter 3</u>, the Department and the <u>Arkansas Pollution Control and Ecology Commission</u> shall be guided to a resolution that categorically assures that:</p> <p>(1) The least possible injury will be done to human, plant, or animal life, or to property;</p> <p>(2) The public enjoyment of the State’s air quality resources will be maintained; and</p> <p>(3) The resolution is consistent with the economic and industrial well-being of the State.</p>	
<p>Reg. 18.103 Applicability These regulations are applicable to any source which emits or has the potential to emit any air <u>contaminant as defined in Chapter 2 of Regulation 18.</u></p>	<p>Reg. 35.3.102 Applicability <u>This Chapter is</u> applicable to any source <u>that</u> emits or has the potential to emit any air contaminant.</p>	<p>Air contaminant is defined in Subchapter 3.2 of Regulation No. 35</p>
<p>Reg. 18.104 Severability</p> <p>If any provisions of this <u>Code</u> or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Code which can be given effect without the invalid provision or application, and to this end the provisions of this Code are declared to be severable.</p>	<p>Reg. 35.104 Severability</p> <p>If any provision of this Regulation, or the application of the provision to any person or circumstance, is held invalid, <u>the remainder of this Regulation, or the application of the provision to persons or circumstances other than those that are held invalid, shall not be affected thereby.</u></p>	<p>The similar provisions in Regulations No. 18, 19, 26, and 31 have been consolidated</p>

Regulation No. 18, Chapter 2 Crosswalk and Regulatory Language Comparison

Definitions from Regulation No. 18 have been split into two different areas of Regulation No. 35. Generally applicable terms that do not have an Air Code-specific meaning or are identical to terms in Regulation No. 19 or 26 have been defined in Regulation No. 35 Chapter 2. Definitions that only apply to terms from Regulation No. 18 and should not be applied to terms that were used in the other Regulations are located in Regulation No. 35, Chapter 3, Subchapter 3.2. Definitions in Regulation No. 35, Chapter 3, Subchapter 3.2 are only applicable to provisions in Chapter 3.

Previous Citation	New Citation	Comments
Regulation No. 18, Chapter 2	Regulation No. 35, Chapter 2	

<p>“12-month period” means a period of twelve (12) consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.</p>	<p>“<u>Twelve-month period</u>” means a period of twelve (12) consecutive months determined on a rolling basis with a new <u>twelve</u>-month period beginning on the first day of each calendar month.</p>	
<p>Regulation No. 18, Chapter 2 “Actual emissions” means the quantity of air contaminants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Actual emissions” means the quantity of air contaminants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.</p>	<p>There is a definition of actual emissions in Chapter 2 as well; however, it uses the term “federally-regulated air pollutants” in place of “air contaminants.” The definition included in Chapter 3, Subchapter 3.2 only applies in Chapter 3.</p>
<p>Regulation No. 18, Chapter 2 “Air contaminant” means any solid, liquid, gas, or vapor or any combination thereof. The following shall not be considered air contaminants: water vapor, oxygen, carbon dioxide, nitrogen, hydrogen, and inert gases.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Air contaminant” means any solid, liquid, gas, or combination thereof. The following shall not be considered air contaminants: water vapor, oxygen (<u>O₂</u>), carbon dioxide (<u>CO₂</u>), nitrogen (<u>N₂</u>), hydrogen (<u>H₂</u>), and inert gases.</p>	<p>There is also a definition of “air contaminant” in Chapter 12, Subchapter 12.2 that applies only in Chapter 12. The definition included in Chapter 3, Subchapter 3.2 only applies in Chapter 3.</p>
<p>Regulation No. 18, Chapter 2 “Air contamination” means the presence in the outdoor atmosphere of one (1) or more air contaminants which contribute to a condition of air pollution.</p>	<p>None</p>	<p>This term is not used in the Regulation No. 35. The term was only used once in Regulation No. 18 pertaining to the Department’s Authority to Deal with Extraordinary Conditions.</p>
<p>Regulation No. 18, Chapter 2 “Air pollution” means the presence in the outdoor atmosphere of one (±) or more air contaminants in quantities, of characteristics, and of a duration that are materially injurious or can be reasonably expected to become materially injurious to human, plant, or animal life or to property, or that unreasonably interfere with enjoyment of life or use of property throughout the state or throughout the area of the state as shall be affected</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Air pollution” means the presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics, and of a duration that is materially injurious or can be reasonably expected to become materially injurious to human, plant, or animal life or to property, or that unreasonably interferes with enjoyment of life or use of property throughout the state or throughout the area of the state as shall be affected</p>	

thereby.	thereby.	
<p>Regulation No. 18, Chapter 2 “Commission” means the Arkansas Pollution Control and Ecology Commission.</p>	None	This abbreviation is not used in Regulation No. 35. The term “Arkansas Pollution Control and Ecology Commission” is used throughout.
<p>Regulation No. 18, Chapter 2 “Conditions of air pollution” as distinguished from “air pollution” in a given area shall be deemed to exist when the Director finds that the National Ambient Air Quality Standards, as established from time to time by the EPA, have been exceeded in such area, or when the Director finds that extraordinary measures are necessary to prevent them from being exceeded.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Conditions of air pollution” as distinguished from “air pollution” in a given area shall be deemed to exist if the Director finds that the <u>n</u>ational <u>a</u>mbient <u>a</u>ir <u>q</u>uality standards have been exceeded in <u>the</u> area, or <u>if</u> the Director finds that extraordinary measures are necessary to prevent them from being exceeded.</p>	
<p>Regulation No. 18, Chapter 2 “Conditions of episodic air pollution” in a given area shall be deemed to exist when the Director finds that meteorological conditions are such as to minimize the normal dispersion of air contaminants and that the following levels are determined to exist in a given area and that such levels can be reasonably expected to persist for twelve (12) or more hours or increase unless control actions are taken:</p> <p>Sulfur dioxide (SO₂) of a concentration equal to or greater than 800 µg/m³ (1.3 ppm) for any twenty-four (24) hour average (where µg/m³ means micrograms per cubic meter and where ppm means parts per million); or where particulate matter (PM) of a concentration equal to or greater than 375 µg/m³ for any twenty-four (24) hour average or where the coefficient of haze (COH) is equal to or greater than three (3.0) for any twenty-four (24) hour average, or where the</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Conditions of episodic air pollution” in a given area shall be deemed to exist when the Director finds that meteorological conditions are such as to minimize the normal dispersion of air contaminants and that the following levels are determined to exist in a given area and that <u>the</u> levels can be reasonably expected to persist for twelve (12) or more hours or increase unless control actions are taken where:</p> <p>(A) Sulfur dioxide (SO₂) of a concentration equal to or greater than 800 µg/m³ (1.3 ppm) for any 24-hour average (where µg/m³ means micrograms per cubic meter and where ppm means parts per million);</p> <p>(B) Particulate matter (PM) of a concentration equal to or greater than 375 µg/m³ for any 24-hour average;</p>	Some structural reorganization was done to this definition to make it easier to read. Other stylistic changes were made for consistency with the 2010 Legislative Drafting Manual.

<p>product of SO₂ and PM reported in µg/m³ for any twenty-four (24) hour average exceeds 65,000.</p>	<p>(C) The coefficient of haze (COH) is equal to or greater than three (3.0) for any 24-hour average; or</p> <p>(D) The product of sulfur dioxide (SO₂) and particulate matter (PM) reported in µg/m³ for any 24-hour average exceeds 65,000.</p>	
<p>Regulation No. 18, Chapter 2 “Control apparatus” means any device which prevents, controls, detects, or records the emission of any air contaminant.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Control apparatus” means any device that prevents, controls, detects, or records the emission of any air contaminant.</p>	<p>There is a definition of “control apparatus” in Chapter 2 as well; however, it uses the term “federally-regulated air pollutants” in place of “air contaminants.” The definition included in Chapter 3, Subchapter 3.2 only applies in Chapter 3.</p>
<p>Regulation No. 18, Chapter 2 “Department” means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.</p>	<p>Regulation No. 35, Chapter 2 “Department” means the Arkansas Department of Environmental Quality, or its successor. When <u>this Regulation</u> makes reference to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.</p>	
<p>Regulation No. 18, Chapter 2 “Director” means the director of the Department, or its successor, acting directly or through the staff of the Department.</p>	<p>Regulation No. 35, Chapter 2 “Director” means the <u>Director</u> of the <u>Arkansas Department of Environmental Quality</u>, or its successor, acting directly or through the staff of the Department.</p>	
<p>Regulation No. 18, Chapter 2 “EPA” means the United States Environmental Protection Agency.</p>	<p>Regulation No. 35, Chapter 2 “EPA” means the United States Environmental Protection Agency.</p>	
<p>Regulation No. 18, Chapter 2 “Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of an air contaminant into the open air, and any stack, conduit, flue, duct, vent, or similar</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of an air contaminant into the open air, and any stack, conduit, flue, duct, vent, or similar</p>	<p>There is a definition of “equipment” in Chapter 2 as well; however, it uses the term “federally-regulated air pollutants” in place of “air</p>

device connected or attached to, or serving the equipment.	device connected or attached to, or serving the equipment.	contaminants.” The definition included in Chapter 3, Subchapter 3.2 only applies in Chapter 3.
Regulation No. 18, Chapter 2 “Federal Clean Air Act” or “Clean Air Act” or “FCAA” or “the Act” means the federal Clean Air Act, as amended, 42 U.S.C. 7401, <i>et seq.</i> , and its implementing regulations as of the effective date of this regulation.	Regulation No. 35, Chapter 2 “Clean Air Act” means the federal Clean Air Act, as amended, 42 U.S.C. §§ 7401, <i>et seq.</i> and its implementing regulations.	For instances of this term in Regulation No. 18, only one term, “Clean Air Act,” was used in Regulation No. 35.
Regulation No. 18, Chapter 2 “Fuel burning equipment” means equipment, the primary purpose of which is the production of thermal energy from the combustion of fuel by indirect heat transfer.	Regulation No. 35, Chapter 3, Subchapter 3.2 “Fuel burning equipment” means equipment <u>for which</u> the primary purpose is the production of thermal energy from the combustion of fuel by indirect heat transfer.	
Regulation No. 18, Chapter 2 “Flue” or “stack” means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.	Regulation No. 35, Chapter 3, Subchapter 3.2 “Flue” or “stack” means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, but not including flares.	
Regulation No. 18, Chapter 2 “Fugitive emissions” means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.	Regulation No. 35, Chapter 2 “Fugitive emissions” means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.	
Regulation No. 18, Chapter 2 “Hazardous air pollutant” or “HAP” means any pollutant listed pursuant to § 112 of the federal Clean Air Act, as amended, 42 U.S.C. § 7401 et seq. , as of the effective date of this regulation.	Regulation No. 35, Chapter 2 “Hazardous air pollutant” means any pollutant listed pursuant to Clean Air Act § 112 as of the effective date of this Regulation.	The US Code citation for the Clean Air Act is present in the definition of Clean Air Act in Chapter 2 of Regulation No. 35. To include it also in the definition of “hazardous air pollutant” is redundant.
Regulation No. 18, Chapter 2 “Garbage” means rejected food waste including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use,	Regulation No. 35, Chapter 3, Subchapter 3.2 “Garbage” means rejected food waste including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use,	

<p>cooking, dealing in or storage of meat, fish, fowl, fruit, or vegetable.</p>	<p>cooking, dealing in, or storage of meat, fish, fowl, fruit, or vegetable.</p>	
<p>Regulation No. 18, Chapter 2 “Incinerator” means all devices by which garbage, refuse, or other combustible material is reduced in volume by a combustion process in which the fuel/air ratio is or can be controlled so that the remaining solid residues contain little or no combustible material.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Incinerator” means all devices <u>that reduce in volume</u> garbage, refuse, or other combustible material <u>through</u> a combustion process <u>where</u> the fuel/air ratio is or can be controlled so that the remaining solid residues contain little or no combustible material.</p>	
<p>Regulation No. 18, Chapter 2 “National Ambient Air Quality Standards” or “NAAQS” means those ambient air quality standards promulgated by the EPA in 40 Code of Federal Regulations (C.F.R.) Part 50 as of the effective date of the federal rule published by EPA in the Federal Register on January 15, 2013 (78 FR 3086), as set forth in Appendix B of Regulation 18.</p>	<p>Regulation No. 35, Chapter 2 “National <u>ambient air quality standard</u>” means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of the federal <u>final</u> rule published by EPA in the Federal Register on <u>October 26, 2015 (80 FR 65292)</u>, as set forth in Appendix B of <u>this Regulation</u>.</p>	<p>This definition has been updated to include the 2015 ozone NAAQS. In addition, the term “national ambient air quality standard” is used throughout Regulation No. 35 in place of NAAQS.</p>
<p>Regulation No. 18, Chapter 2 “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>Regulation No. 35, Chapter 2 “Opacity” means the degree <u>that</u> air emissions reduce the transmission of light and obscure the view of an object in the background.</p>	
<p>Regulation No. 18, Chapter 2 “Open fire” or “open burning” means a fire in which a material is burned in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Open <u>burning</u>” means a fire where a material is burned in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.</p>	
<p>Regulation No. 18, Chapter 2 “Operator” means any person who leases, operates, controls, or supervises any equipment affected by these regulations.</p>	<p>Regulation No. 35, Chapter 2 “Operator” means any person who leases, operates, controls, or supervises any equipment affected by <u>this Regulation</u>.</p>	

<p>Regulation No. 18, Chapter 2 “Owner” means any person who has legal or equitable title to any source, facility, or equipment affected by these regulations.</p>	<p>Regulation No. 35, Chapter 2 “Owner” means any person who has legal or equitable title to any source, facility, or equipment affected <u>by this Regulation</u>.</p>	
<p>Regulation No. 18, Chapter 2 “Particulate matter” or “PM” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 100 micrometers.</p>	<p>Regulation No. 35, Chapter 2 “Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than <u>one hundred (100)</u> micrometers.</p>	
<p>Regulation No. 18, Chapter 2 “PM_{2.5}” 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 the federal rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226), or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.</p>	<p>Regulation No. 35, Chapter 2 “PM_{2.5}” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and <u>five-tenths</u> (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 the federal <u>final</u> rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226), or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.</p>	
<p>Regulation No. 18, Chapter 2 “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 the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467), or by an equivalent method designated in accordance with 40 C.F.R. Part 53.</p>	<p>Regulation No. 35, Chapter 2 “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 upon Appendix J of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467), or by an equivalent method designated in accordance with 40 C.F.R. Part 53.</p>	
<p>Regulation No. 18, Chapter 2 “PM_{2.5} emissions” means PM_{2.5} 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 the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in these regulations or any supplement</p>	<p>Regulation No. 35, Chapter 2 “PM_{2.5} emissions” means PM_{2.5} 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 the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in <u>this Regulation</u> or any supplement</p>	

thereto.	thereto.	
<p>Regulation No. 18, Chapter 2 “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 the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in these regulations or any supplement thereto.</p>	<p>Regulation No. 35, Chapter 2 “PM₁₀ emissions” means PM₁₀ emitted to the ambient air as measured by an applicable reference method, or <u>by</u> an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18542), or by a test method specified in <u>this</u> Regulation or any supplement thereto.</p>	
<p>Regulation No. 18, Chapter 2 “Potential to emit” means the maximum capacity of a stationary source to emit air contaminants under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit an air contaminat<u>e</u>, including, but not limited to, 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 practically enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Potential to emit” means the maximum capacity of a stationary source to emit <u>an</u> air contaminant under its physical and operational design.</p> <p>(A) Any physical or operational limitation on the capacity of the source to emit an air contaminant<u>t</u>, including, but not limited to, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. <u>These restrictions</u> shall be treated as part of <u>the stationary source’s</u> design only if the limitation or the effect it would have on emissions is practically enforceable.</p> <p>(B) Secondary emissions do not count in determining the potential to emit of a stationary source.</p>	<p>There is a definition of “potential to emit” in Chapter 2 as well; however, it uses the term “federally-regulated air pollutants” in place of “air contaminants.” The definition included in Chapter 3, Subchapter 3.2 only applies in Chapter 3.</p>
<p>Regulation No. 18, Chapter 2 “Refuse” means any combustible waste material containing carbon in a free or combined state, other than liquid or gases.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Refuse” means any combustible waste material containing carbon in a free or combined state, other than liquid or gases.</p>	
<p>Regulation No. 18, Chapter 2 “Responsible Official” means one of the following:</p> <p>(A) For a corporation: a president, secretary,</p>	<p>Regulation No. 35, Chapter 2 “Responsible official” means one of the following:</p> <p>(A) For a corporation: a president, secretary,</p>	

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 or 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:

- (4) The facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding ~~\$25~~ million (in second quarter 1980 United States Dollars); or
- (5) The delegation of authority to such representative is approved in advance by the Department;

For partnership or sole proprietorship: a general partner or the proprietor, respectively;

For a municipality, State, ~~F~~ederal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this ~~r~~egulation, 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

For acid rain sources:

- (6) The designated representative ~~insofar~~ as actions, standards, requirements, or prohibitions under Title IV of the Act as of July 1, 1997, or the regulations promulgated thereunder are concerned;

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:

- (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
- (2) The delegation of authority to the representative is approved in advance by the Department;

(B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, State, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this Regulation, 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

(D) For acid rain sources:

- (1) The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean

<p>and</p> <p>(2) The designated representative for any other purposes under Part 70.</p>	<p><u>Air</u> Act for the regulations promulgated thereunder are concerned; and</p> <p>(2) The designated representative for any other purposes under Part 70.</p>	
<p>Regulation No. 18, Chapter 2 “Salvage” means an operation conducted in whole or in part for the reclaiming of any product or material.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Salvage” means an operation conducted in whole or part for the reclaiming of any product or material.</p>	
<p>Regulation No. 18, Chapter 2 “Shutdown” means the cessation of operation of equipment.</p>	<p>Regulation No. 35, Chapter 2 “Shutdown” means the cessation of operations of equipment.</p>	
<p>Regulation No. 18, Chapter 2 “Startup” means the setting in operating of equipment.</p>	<p>Regulation No. 35, Chapter 2 “Startup” means the setting in operation of equipment.</p>	
<p>Regulation No. 18, Chapter 2 “Stationary source” means any building, structure, facility, or installation which emits or may emit any air contaminant.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Stationary source” means any building, structure, facility, or installation <u>that</u> emits or may emit any air contaminant.</p>	
<p>Regulation No. 18, Chapter 2 “Title I modification” means any modification as defined under any regulation promulgated pursuant to Title I of the federal-Clean Air Act as of July 2, 2008. De Minimis changes under Regulation 19, changes to state-only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.</p>	<p>Regulation No. 35, Chapter 2 “Title I modification” means any modification as defined under any regulation promulgated pursuant to Title I of the Clean Air Act. <i>De Minimis</i> changes under <u>this Regulation</u>, changes to <u>State-only</u> permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.</p>	
<p>Regulation No. 18, Chapter 2 “Trade waste” means any solid, liquid, or gaseous material resulting from construction of the prosecution of any business, trade or industry, or any demolition operation including, but not limited to, plastics, cardboard cartons, grease, oil, chemicals, and cinders.</p>	<p>Regulation No. 35, Chapter 3, Subchapter 3.2 “Trade waste” means any solid, liquid, or gaseous material resulting from construction of the prosecution of any business, trade or industry, or any demolition operation including, but not limited to, plastics, cardboard cartons, grease, oil, chemicals, and cinders.</p>	

<p>Regulation No. 18, Chapter 2 “Total suspended particulate” or “TSP” means particulate matter as measured by the method described in Appendix B of 40 C.F.R. Part 50.</p>	<p>None</p>	<p>This term was not used in Regulation No. 18 even though it was defined. It is also not used in Regulation No. 35.</p>
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Regulation No. 18, Chapter 3

Previous Citation	New Citation	Comments
<p>Reg. 18.301 Applicability</p> <p>(A) General Applicability</p> <p>No person shall cause or permit the operation, construction, or modification of a stationary source, which actually emits:</p> <ul style="list-style-type: none"> seventy-five (75) tons per year or more of carbon monoxide; forty (40) tons per year or more of nitrogen oxides; forty (40) tons per year or more of sulfur dioxide; forty (40) tons per year or more of volatile organic compounds; twenty-five (25) tons per year or more of particulate matter; ten (10) tons per year or more of direct PM_{2.5}; fifteen (15) tons per year or more of PM₁₀; one-half (0.5) ton per year or more of lead; two (2) tons per year or more of any single hazardous air pollutant; five (5) tons per year or more of any combination of hazardous air pollutants; or twenty-five (25) tons per year or more of any other air contaminant <p>without first obtaining a permit from the Department.</p>	<p>Reg. 35.3.1001 Applicability</p> <p>(A) General Applicability</p> <p>A person shall not cause or allow the operation, construction, or modification of a stationary source <u>without first obtaining a permit from the Department if the source</u> actually emits:</p> <ol style="list-style-type: none"> (1) <u>S</u>eventy-five (75) tons per year or more of carbon monoxide; (2) <u>F</u>orty (40) tons per year or more of nitrogen oxides; (3) <u>F</u>orty (40) tons per year or more of sulfur dioxide; (4) <u>F</u>orty (40) tons per year or more of volatile organic compounds; (5) <u>T</u>wenty-five (25) tons per year or more of particulate matter; (6) <u>T</u>en (10) tons per year or more of direct PM_{2.5}; (7) <u>F</u>ifteen (15) tons per year or more of PM₁₀; (8) <u>O</u>ne-half (0.5) ton per year or more of lead; (9) <u>T</u>wo (2) tons per year or more of any single hazardous air pollutant; (10) <u>F</u>ive (5) tons per year or more of any combination of hazardous air pollutants; or (11) <u>T</u>wenty-five (25) tons per year or more of any other air contaminant. 	<p>The text has been restructured for clarity.</p>
<p>(B) Special Applicability</p>	<p>(B) Special Applicability</p>	

Previous Citation	New Citation	Comments
<p>Except as provided for by law or regulation, the following stationary sources are required to obtain a permit under this chapter regardless of emissions:</p> <p>(7) Any stationary source that the Director determines should obtain a permit in order to protect the public health and welfare or to assist in the abatement or control of air pollution; or</p> <p>(8) Any class of stationary sources for which the Director has determined that the intrinsic nature of the source's operation and/or actual emissions is such that a permit is necessary for the protection of public health and welfare or to assist in the abatement or control of air pollution. Such sources include but are not limited to:</p> <ul style="list-style-type: none"> (a) Medical waste incinerators; (b) Rendering plants; (c) Pathological waste incinerators, including crematories; (d) Chemical process plants; (e) Hazardous waste treatment storage or disposal facilities; (f) Sour gas process plants; (g) Lead acid battery recycling facilities; or (h) Charcoal plants. 	<p>Except as provided for by law or regulation, the following stationary sources are required to obtain a permit under this <u>Subchapter</u> regardless of emissions:</p> <p>(1) Any stationary source that the Director determines should obtain a permit to protect the public health and welfare or to assist in the abatement or control of air pollution;</p> <p>(2) Any class of stationary sources for which the Director has determined that the intrinsic nature of the source's operation and/or actual emissions <u>indicates</u> that a permit is necessary for the protection of public health and welfare or to assist in the abatement or control of air pollution. <u>The stationary</u> source <u>classes</u> include but are not limited to:</p> <ul style="list-style-type: none"> (a) Medical waste incinerators; (b) Rendering plants; (c) Pathological waste incinerators, including crematories; (d) Chemical process plants; (e) Hazardous waste treatment storage or disposal facilities; (f) Sour gas process plants; (g) Lead acid battery recycling facilities; <u>and</u> (h) Charcoal plants; and 	

Previous Citation	New Citation	Comments
<p>(9) Any stationary source subject to the requirements of a rule promulgated under 40 C.F.R. Part 60, Part 61, or Part 63, as of June 27, 2008, except for:</p> <p>(a) 40 C.F.R. Part 60, Subpart AAA (Wood Stoves);</p> <p>(b) 40 C.F.R. Part 60, Subpart JJJ (Petroleum Dry Cleaners);</p> <p>(c) 40 C.F.R. Part 63, Subpart M (Perchloroethylene Dry Cleaners);</p> <p>(d) 40 C.F.R. Part 63, Subpart Q (Industrial Cooling Towers);</p> <p>(e) Sources subject to 40 C.F.R. Part 60, Subpart Dc (Steam Generating Units) which only burn gas;</p> <p>(f) 40 C.F.R. Part 63, Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines) for non-Part 70 sources (minor sources);</p> <p>(g) 40 C.F.R. Part 63, Subpart WWWW (Hospital Ethylene Oxide Sterilizers);</p> <p>(h) 40 C.F.R. Part 63, Subpart CCCCCC (Gasoline Dispensing Facilities);</p> <p>(i) 40 C.F.R. Part 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines) for engines with a displacement of</p>	<p>(3) Any stationary source subject to the requirements of a rule promulgated under 40 C.F.R. Part 60, Part 61, or Part 63 as of June 27, 2008, except for:</p> <p>(a) 40 C.F.R. Part 60, Subpart AAA (Wood Stoves);</p> <p>(b) 40 C.F.R. Part 60, Subpart JJJ (Petroleum Dry Cleaners);</p> <p>(c) 40 C.F.R. Part 63, Subpart M (Perchloroethylene Dry Cleaners);</p> <p>(d) 40 C.F.R. Part 63, Subpart Q (Industrial Cooling Towers);</p> <p>(e) Sources subject to 40 C.F.R. Part 60, Subpart Dc (Steam Generating Units) that only burn gas;</p> <p>(f) 40 C.F.R. Part 63, Subpart ZZZZ (Stationary Reciprocating Internal Combustion Engines) for non-Part 70 sources (minor sources);</p> <p>(g) 40 C.F.R. Part 63, Subpart WWWW (Hospital Ethylene Oxide Sterilizers);</p> <p>(h) 40 C.F.R. Part 63, Subpart CCCCCC (Gasoline Dispensing Facilities);</p> <p>(i) 40 C.F.R. Part 60, Subpart IIII (Stationary Compression Ignition Internal Combustion Engines) for engines with a displacement of less than <u>thirty (30)</u> liters per</p>	

Previous Citation	New Citation	Comments
<p>less than 30 liters per cylinder;</p> <p>(j) 40 C.F.R. Part 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines);</p> <p>(k) 40 C.F.R. Part 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources);</p> <p>(l) 40 C.F.R. Part 63, Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities with a throughput less than 20,000 gallons per day of gasoline); and</p> <p>(m) 40 C.F.R. Part 63, Subpart OOOOOO (National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources).</p>	<p>cylinder;</p> <p>(j) 40 C.F.R. Part 60, Subpart JJJJ (Stationary Spark Ignition Internal Combustion Engines);</p> <p>(k) 40 C.F.R. Part 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources);</p> <p>(l) 40 C.F.R. Part 63, Subpart BBBBBB (National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities with a throughput less than <u>twenty thousand</u> [20,000] gallons per day of gasoline); and(m) 40 C.F.R. Part 63, Subpart OOOOOO (National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources).</p>	
<p>Reg. 18.302 Approval Criteria</p> <p>No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation and without causing air pollution.</p>	<p>Reg. 35.3.1003 Permit Approval Criteria</p> <p><u>The Department shall not grant or modify a permit</u> under this <u>Subchapter</u> unless the owner <u>or</u> operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of</p>	

Previous Citation	New Citation	Comments
	applicable portions of this <u>Regulation</u> and without causing air pollution.	

Previous Citation	New Citation	Comments
<p>Reg. 18.303 Owner/Operator's Responsibilities</p> <p>Issuance of a permit by the Department does not affect the responsibility of the owner/operator to comply with applicable portions of this regulation.</p>	<p>Reg. 35.3.1004 Owner or Operator's Responsibilities</p> <p>Issuance of a permit by the Department does not affect the responsibility of the owner <u>or</u> operator to comply with applicable portions of this Regulation.</p>	
<p>Reg. 18.304 Required Information</p> <p>(A) General</p> <p>Application of a permit shall be made on such forms and contain such information as the Department may reasonably require, including but not limited to:</p> <ul style="list-style-type: none"> (1) information on the nature and amounts of air pollutants to be emitted by the stationary source or by associated mobile sources; and (2) such information on the location, design, and operation of stationary source as the Department may reasonably require. 	<p>Reg. 35.3.1005 Required Information</p> <p>(A) Application of a permit shall be made on Department forms and contain information as the Department may reasonably require, including but not limited to:</p> <ul style="list-style-type: none"> (1) <u>Information on the nature and amounts of air contaminants to be emitted by the stationary source;</u> (2) Information on the location, design, and operation of the stationary source as the Department may reasonably require; and (3) <u>Information on the nature and amounts of air contaminants to be emitted by mobile sources associated with the stationary source.</u> 	<p>The term “pollutants” was replaced with air contaminant and Reg. 18.304(A)(1) was split in two for clarity.</p>
<p>(B) Duty to Supplement Submittal</p> <p>If, while processing an application that has been determined to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request such information in writing and set a reasonable deadline for a response.</p> <p>(C) —Duty to Correct Submittal</p> <p>Any owner/operator who fails to submit any relevant facts or who has submitted incorrect information, shall,</p>	<p>(B) <u>The requirements of Reg. 35.1005(B) and (C) applicable to stationary sources of federally regulated air pollutants shall also apply to stationary sources of air contaminants subject to this permitting under this Subchapter.</u></p>	<p>The Duty to Supplement Submittal and Duty to Correct Submittal were the same in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.1005(B) merely states that the requirements in Reg. 35.1005(B) and (C) also apply to sources subject to permitting in under</p>

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<p>upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any relevant requirements that become applicable to the stationary source before final action is taken on its application.</p>		Subchapter 3.10.
<p>Reg. 18.305 Action on Application</p> <p>(A) Technical Review</p> <p>The Department will review the application submitted under this chapter in order to ensure to their reasonable satisfaction that:</p> <ol style="list-style-type: none"> (1) the stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a National Ambient Air Quality Standard; (2) the stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to §§ 111, 112, and 114 of the Clean Air Act as amended by February 15, 1999; (3) the stationary source will be constructed or modified to operate without causing air pollution; (4) the stationary source will be constructed or modified to incorporate the appropriate control technology, if any, developed for the kind and amount of federally regulated air pollutant emitted by the 	<p>Reg. 35.3.1006 Action on Application</p> <p>(A) Technical Review</p> <p>The Department will review the application submitted under this <u>Sub</u>chapter in order to ensure to their reasonable satisfaction that:</p> <ol style="list-style-type: none"> (1) <u>T</u>he stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a <u>n</u>ational <u>a</u>mbient <u>a</u>ir <u>q</u>uality <u>s</u>tandard; (2) <u>T</u>he stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to Clean Air Act §§ 111, 112, and 114; (3) <u>T</u>he stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this Regulation; (4) <u>T</u>he stationary source will be constructed or modified to operate without causing air pollution; (5) <u>T</u>he stationary source will be constructed or modified to incorporate the appropriate control technology, if any, developed for 	The “as amended date” should be removed as we can’t issue a permit that would violate the Clean Air Act or its implementing regulations

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<p>facility;</p> <p>(5) the stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this regulation;</p> <p>(6) the emission rate calculations are complete and accurate; and</p> <p>(7) if the facility wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process which will be used to ensure that the calculations are translated into enforceable limits on operational parameters rather than emissions.</p>	<p>the kind and amount of federally-regulated air pollutant emitted by the facility;</p> <p>(6) <u>The</u> emission rate calculations are complete and accurate; and</p> <p>(7) <u>If</u> the facility wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process that will be used to ensure calculations are translated into enforceable limits on operational parameters rather than emissions.</p>	
<p>(B) Proposed Action</p> <p>If the Department initially determines the requirements of Reg. 18.304(A) are met, they shall prepare a draft permit which:</p> <p>(3) contains such conditions as the Department may prescribe, to prevent, control, or abate air pollution;</p> <p>(4) addresses all recognized air pollutant emissions and all pollutant emitting equipment at the stationary source except pollutants or equipment specifically exempt;</p> <p>If the Department initially determines the requirements of this chapter are not met, they shall prepare a notice of intent to deny. This notice will state the reasons for the Department's denial of the stationary source's submittal.</p>	<p>(B) Proposed <u>and Final</u> Action <u>on Permit Applications</u></p> <p><u>The procedures of Reg. 35.1006(B) and (C) shall also apply to sources subject to permitting under this Subchapter.</u></p>	<p>The Duty to Supplement Submittal and Duty to Correct Submittal were the same in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.1006(B) merely states that the requirements in Reg. 35.1006(B) and (C) also apply to sources subject to permitting in under Subchapter 3.10.</p>

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<p>The public shall have an opportunity to comment on the Department's proposed permit decision in accordance with Reg. 18.305.</p> <p>(C) Final Action</p> <p>At the conclusion of the public comment period, the Department shall announce in writing its final permit decision.</p>		
<p>Reg. 18.306 Public Participation</p> <p>(A) General</p> <p>No permit shall be issued, denied, or modified unless the public has first had an opportunity to comment on the information submitted by the owner/operator and the Department's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the permit.</p>	<p>Reg. 35.3.1007 Public Participation</p> <p>(A) General</p> <p><u>The Department shall not issue, deny, or modify a permit</u> unless the public has first had an opportunity to comment on the information submitted by the owner <u>or</u> operator and the Department's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the permit.</p>	
<p>(B) Public Availability of Information</p> <p>(4) For purposes of this section, opportunity to comment shall include, at a minimum:</p> <p>(a) Availability for the public inspection in at least one location in the area where the source is located, or proposes to locate, and in the Department's central offices of the Department's draft decision, information submitted by the owner/operator, and any information developed by the Department in support of its draft permit decision;</p>	<p>(B) Public Availability of Information</p> <p><u>Information on applications received, draft and final permits shall be made available to the public in accordance with Arkansas Pollution Control and Ecology Commission Regulation 8, Chapter 2 Permits.</u></p>	<p>Replaced information regarding public availability in Regulation No. 18 with reference to provisions concerning the same in Regulation No. 8.</p>

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<p>(b) A 30 day period for submittal of public comment (beginning on the date of the latest newspaper notice, ending on the date 30 days later);</p> <p>(c) Publication in a newspaper of general circulation in the area where the source is located or proposes to locate, and in a State publication designed to give general public notice. Such notice shall, as a minimum, describe the locations at which the information submitted by the owner/operator and the Department's analysis of this information, may be inspected and the procedure for submitting public comment;</p> <p>(d) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:</p> <ul style="list-style-type: none"> i. mayor of the community where the stationary source is proposed to be constructed or modified; ii. county judge of the county where the stationary source is proposed to be constructed or modified; and <p>(e) Public comments addressing the technical merits of the permit application and the Department's analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice shall be considered by the Department prior to making its final decision.</p> <p>(2) The Department shall take final action on</p>		

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<p>a permit application after the close of the public comment period. The Department shall notify in writing the owner/operator and any person that submitted a written comment, of the Department's final action and the Department's reasons for its final action.</p>		
<p>Reg. 18.307 Permit Amendments</p> <p>(A) — Administrative Permit Amendments</p> <p>(1) — An administrative permit amendment is a permit revision that:</p> <ul style="list-style-type: none"> (a) — corrects a typographical error; (b) — identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source; (c) — requires more frequent monitoring or reporting by the permittee; (d) — incorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units; or (e) — incorporates a change to the facility's insignificant activities list. <p>(2) — The Department shall revise the permit as expeditiously as practicable and may incorporate such revisions without providing notice to the</p>	<p>Reg. 35.3.1008 Permit Amendments</p> <p><u>The procedures and requirements set forth in Reg. 35.1008 shall also apply to sources subject to permitting under this Subchapter.</u></p>	<p>The Permit Amendment provisions were the same in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.1008 merely states that the requirements in Reg. 35.1008 also apply to sources subject to permitting under Subchapter 3.10.</p>

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<p>public.</p> <p>(3) — The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.</p> <p>(B) — Change in Ownership</p> <p>(1) — Permits issued under this regulation shall remain freely transferable provided the applicant for the transfer:</p> <p style="padding-left: 40px;">(a) — notifies the Director at least thirty (30) days in advance of the proposed transfer date on such forms as the Director may reasonably require; and</p> <p style="padding-left: 40px;">(b) — submits a disclosure statement in accordance with Commission Regulation 8, Administrative Procedures, or other such documents as required by the Department.</p> <p>(2) — The Director may deny the issuance or transfer of any permit, license, certification, or operational authority if he or she finds, based upon the disclosure statement and other investigation which he or she deems appropriate, that:</p> <p style="padding-left: 40px;">(a) — The applicant has a history of non-compliance with the environmental laws or regulations of this state or any other jurisdiction;</p> <p style="padding-left: 40px;">(b) — A applicant which owns or operates other facilities in the state is not in substantial compliance with, or on a legally enforceable schedule that will</p>		

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<p>result in compliance with, the environmental laws or regulations of this state; or</p> <p>(e) A person with a history of non-compliance with environmental laws or regulations of this state or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant which could have an impact upon the environment.</p> <p>(3) Public notice requirements shall not apply to changes in ownership or changes in name.</p> <p>(C) De Minimis Changes</p> <p>(1) A proposed modification to a facility will be considered De Minimis if:</p> <p style="padding-left: 40px;">(a) minimal judgment is required to establish the permit requirements for the modification; and</p> <p style="padding-left: 40px;">(b) the modification will result in a trivial environmental impact.</p> <p>(2) The environmental impact of a proposed change generally will be considered trivial if the emission increase, based on the differences between the sum of the proposed permitted rates for all emission units and the sum of previously permitted emission rates for all units, will either:</p> <p style="padding-left: 40px;">(a) be less than the following amounts:</p> <p style="padding-left: 80px;">(i) seventy five (75) tons per</p>		

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<p>year of carbon monoxide;</p> <p>(ii) — forty (40) tons per year of nitrogen dioxide, sulfur dioxide, or volatile organic compounds;</p> <p>(iii) — one half (0.5) ton per year of lead;</p> <p>(iv) — twenty five (25) tons per year of particulate matter;</p> <p>(v) — ten (10) tons per year of direct PM_{2.5}; and</p> <p>(vi) — fifteen (15) tons per year of PM₁₀ emissions;</p> <p>(b) — or, result in an air quality impact less than:</p>				
Pollutant	<i>De-Minimis</i> Concentration	Averaging Time		
carbon monoxide	500 $\mu\text{g}/\text{m}^3$	8-hour		
nitrogen dioxide	10 $\mu\text{g}/\text{m}^3$	annual		
PM _{2.5}	2 $\mu\text{g}/\text{m}^3$	24-hour		
PM ₁₀	8 $\mu\text{g}/\text{m}^3$	24-hour		
sulfur dioxide	18 $\mu\text{g}/\text{m}^3$	24-hour		
lead	0.1 $\mu\text{g}/\text{m}^3$	3-month		

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<p>(3) The following changes will not be considered De Minimis changes:</p> <p>(a) any increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;</p> <p>(b) any change which would result in a violation of the Clean Air Act;</p> <p>(c) any change seeking to change a case by case determination of an emission limitation established pursuant to Best Available Control Technology (BACT), §§ 112(g), 112(i)(5), 112(j), or 111(d) of the Clean Air Act as amended by February 15, 1999;</p> <p>(d) a change that would result in a violation of any provision of this regulation;</p> <p>(e) any change in a permit term, condition, or limit that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;</p> <p>(f) any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or</p> <p>(g) any proposed change which requires more than minimal judgment to determine eligibility.</p>		

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<p>(4) A source may not submit multiple applications for De Minimis changes that are designed to conceal a larger modification that would not be considered a De Minimis change. The Department will require such multiple applications be processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.</p> <p>(5) The applicant may implement De Minimis changes immediately upon approval by the Department.</p> <p>(6) The Department shall revise the permit as expeditiously as practicable and may incorporate De Minimis changes without providing notice to the public.</p>		
<p>Reg. 18.308 Exemption from Permitting</p> <p>(A) Insignificant Activities</p> <p>Stationary sources and activities listed in Appendix A of this regulation shall be considered to be insignificant and will not require a permit under this chapter or be included in a source's permit.</p> <p>(B) Grandfathering</p> <p>Stationary sources operating prior to July 30, 1969, and have not been modified since, will not be required to obtain a permit under this chapter.</p> <p>(C) Regulation 26 Sources</p> <p>A stationary source subject to the permitting requirements of Regulation 26 and the requirements of</p>	<p>Reg. 35.3.1013 Exemption from Permitting</p> <p>(A) Insignificant Activities</p> <p><u>The Department shall consider</u> stationary sources and activities listed in Appendix A of this <u>Regulation</u> to be insignificant. <u>These sources and activities do</u> not require a permit under this <u>Subchapter and are not required to</u> be included in a source's permit <u>unless the source is a Part 70 source subject to Chapter 12.</u></p> <p>(B) Grandfathering</p> <p>Stationary sources operating prior to July 30, 1969, and have not been modified since, <u>are</u> not required to obtain a permit under this <u>Subchapter</u>.</p>	<p>If a stationary source subject to this Subchapter 35.3.1013 is also subject to permitting under Chapter 12, then the insignificant activities must be listed in the source's permit as an insignificant activity. This is a Part 70 requirement.</p> <p>Passive voice sentences changed to active voice</p> <p>The cross-references to Regulation No. 26 and Regulation No. 19 have been removed. This is redundant with what is said in intent</p>

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<p>this chapter, will only be required to obtain one permit which shall also contain the requirements unique to this regulation.</p> <p>(D) Regulation 19 Sources</p> <p>A stationary source subject to the permitting requirements of Regulation 19 and the requirements of this chapter will only be required to obtain one permit which shall also contain the requirements unique to this regulation.</p>		<p>and construction in Chapter 1. In addition, these aren't provisions that create exemptions.</p>
<p>Reg. 18.309 Permit Revocation and Cancellation</p> <p>(A) Revocation</p> <p>Any permit issued under this regulation is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:</p> <ul style="list-style-type: none"> (1) Violation of any condition of the permit; (2) Obtaining a permit by misrepresentation of failure to disclose fully all relevant facts; or (3) Change in any applicable regulation or change in any pre-existing condition affecting the nature of the emission that requires either a temporary or permanent reduction or elimination of the permitted emission. <p>(B) Cancellation</p> <p>The Director may cancel a permit if the construction or modification is not begun within 18 months from the date of the permit issuance or if the work involved in the construction or modification is suspended for a total of</p>	<p>Reg. 35.3.1009 Permit Revocation and Cancellation</p> <p><u>The procedures and requirements set forth in Reg. 35.1009 shall also apply to sources subject to permitting under this Subchapter.</u></p>	<p>The Permit revocation and cancellation provisions were the same in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.1009 merely states that the requirements in Reg. 35.1009 also apply to sources subject to permitting in under Subchapter 3.10.</p>

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18 months or more.		
<p>Reg. 18.310 General Permits</p> <p>(A) General Authority</p> <p>The Department may, after notice and opportunity for public participation provided under this chapter, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.</p> <p>(B) Application</p> <p>Sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for a permit consistent with this chapter. The Department may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review. The Department will give notice of all applications for general permits pursuant to Ark. Code Ann. § 8-4-203(c).</p>	<p>Reg. 35.3.1010 General Permits</p> <p>(A) General Authority</p> <p>The Department may, after notice and opportunity for public participation provided under this <u>Sub</u>chapter, issue a general permit under this <u>Sub</u>chapter covering numerous similar sources. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria <u>whereby</u> sources may qualify for the general permit. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.</p> <p>(B) Application</p> <p><u>The Department shall process applications for a general permit in accordance with Arkansas Pollution Control and Ecology Commission Regulation 8.</u></p>	<p>Replaced information regarding applications for general permits in Regulation No. 18 with reference to provisions concerning the same in Regulation No. 8.</p>
<p>Reg. 18.311 Transition</p> <p>Facilities which are now subject to this regulation and were not previously subject to this regulation shall be in full compliance within 180 days of the effective date of</p>	<p>None</p>	<p>This paragraph provided a transition for when Regulation No. 18 was first adopted. This provision is no longer relevant. New source-</p>

Previous Citation	New Citation	Comments
<p>this regulation. The Director may extend this compliance period on a case-by-case basis provided that the total compliance period does not exceed one year.</p>		<p>specific requirements are typically accompanied with a compliance schedule when they are adopted into APC&EC regulations.</p>
<p>Reg. 18.312 Operational Flexibility-Applicant's Duty to Apply for Alternative Scenarios</p> <p>Any operating scenario allowed for in a permit may be implemented by the facility without the need for any permit revision or any notification to the Department. It is incumbent upon the permit applicant to apply for any reasonably anticipated alternative facility operating scenarios at the time of permit application. The Department shall include approved alternative operating scenarios in the permit.</p> <p>Reg. 18.313 Changes Resulting in No Emissions Increases</p> <p>A permitted source may make changes within the facility that contravene permit terms without a permit revision if the changes:</p> <ul style="list-style-type: none"> (A) Are not modifications under any provision of Title I of the Act as amended by July 2, 2008; (B) Do not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions); (C) Do not violate applicable requirements; and (D) Do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements; <p>provided that the facility provides the Department with</p>	<p>Reg. 35.3.1012 Operational Flexibility, Changes Resulting in No Emissions Increase, and Permit Flexibility</p> <p><u>The procedures and requirements set forth in Reg. 35.1012 through Reg. 35.1014 shall also apply to sources subject to permitting under this Subchapter.</u></p>	<p>The operational flexibility, changes resulting in no emissions increase, and permit flexibility provisions were the same in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.1012 merely states that the requirements in Reg. 35.1012 through Reg. 35.1014 also apply to sources subject to permitting in under Subchapter 3.10.</p>

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<p>written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, or such shorter time frame that the Department allows for emergencies. The source and the Department shall attach each such notice to their copy of the relevant permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.</p> <p>Reg. 18.314 Permit Flexibility</p> <p>(A) The Department may grant an extension to any testing, compliance or other dates in the permit. No extensions shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant such a request, at its discretion, in the following circumstances:</p> <ul style="list-style-type: none"> (1) the permittee of the facility makes such a request in writing at least fifteen (15) days in advance of the deadline specified in the facility's permit; (2) the extension does not violate a federal requirement; (3) the permittee of the facility demonstrates the need for the extension; and (4) the permittee of the facility documents that all reasonable measures have been taken to meet the current deadline and documents reasons the current deadline 		

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<p style="text-align: center;">cannot be met.</p> <p>(B) The Department may grant a request to allow temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement or other limit in a facility's permit. No such activities shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant such a request, at its discretion, in the following circumstances:</p> <p>(1) The permittee of the facility makes such a request in writing at least thirty (30) days in advance of the date that temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement or other limit in a facility's permit;</p> <p>(2) Such a request does not violate a federal requirement;</p> <p>(3) Such a request is temporary in nature;</p> <p>(4) Such a request will not result in a condition of air pollution;</p> <p>(5) The request contains such information necessary for the Department to evaluate the request, including but not limited to, quantification of such emissions and the date and time such emissions will occur;</p> <p>(6) Such a request will result in increased emissions less than five (5) tons of any individual criteria pollutant, one ton of any single HAP and two and one half</p>		

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<p style="text-align: center;">(2.5) tons of total HAPs; and</p> <p>(7) The permittee of the facility maintains records of the dates and results of such temporary emissions and/or testing.</p> <p>(C) The Department may grant a request to allow an alternative to the monitoring specified in a facility's operating permit. No such activities shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant such a request, at its discretion, in the following circumstances:</p> <p>(1) the permittee of the facility makes such a request in writing at least thirty (30) days in advance of the first date that the monitoring alternative will be used at the facility;</p> <p>(2) such a request does not violate a federal requirement;</p> <p>(3) the monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the facility's operating permit; and</p> <p>(4) any such request, if approved by the Department, is incorporated into the next permit modification application by the permittee of the facility.</p>		
<p>Reg. 18.315 Registration</p> <p>(A) No person shall cause or permit the operation, construction, or modification of a stationary</p>	<p>Reg. 35.3.1002 Registration</p> <p>(A) <u>A</u> person shall <u>not</u> cause or <u>allow</u> the operation, construction, or modification of a stationary source, without first having registered the source</p>	

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<p>source, whose actual emissions are:</p> <ol style="list-style-type: none"> (1) forty (40) tons per year or more but less than seventy-five (75) tons per year of carbon monoxide; (2) twenty-five (25) tons per year or more but less than forty (40) tons per year of nitrogen oxides; (3) twenty-five (25) tons per year or more but less than forty (40) tons per year of sulfur dioxide; (4) twenty-five (25) tons per year or more but less than forty (40) tons per year of volatile organic compounds; (5) fifteen (15) tons per year or more but less than twenty-five (25) tons per year of particulate matter; (6) ten (10) tons per year or more but less than fifteen (15) tons per year of PM₁₀; (7) one (1) ton per year or more but less than two (2) tons per year of any single hazardous air pollutant; or (8) three (3) tons per year or more but less than five (5) tons per year of an combination of hazardous air pollutants <p>without first having registered the source with the Department.</p> <p>(For the purpose of Reg. 18.315(A) “modification” shall mean any physical change in or change in the method of operation of a</p>	<p>with the Department, if the actual emissions are:</p> <ol style="list-style-type: none"> (1) Forty (40) tons per year or more but less than seventy-five (75) tons per year of carbon monoxide; (2) Twenty-five (25) tons per year or more but less than forty (40) tons per year of nitrogen oxides; (3) Twenty-five (25) tons per year or more but less than forty (40) tons per year of sulfur dioxide; (4) Twenty-five (25) tons per year or more but less than forty (40) tons per year of volatile organic compounds; (5) Fifteen (15) tons per year or more but less than twenty-five (25) tons per year of particulate matter; (6) Ten (10) tons per year or more but less than fifteen (15) tons per year of PM₁₀; (7) One (1) ton per year or more but less than two (2) tons per year of any single hazardous air pollutant; or (8) Three (3) tons per year or more but less than five (5) tons per year of a combination of hazardous air pollutants. <p>(B) For the purpose of Reg. 35.3.1002(A), “modification” shall mean any physical change in or change in the method of operation of a stationary source that increases the emission rates of any air contaminant, specified above, previously registered with the Department or</p>	

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<p>stationary source which increases the emission rates of any air pollutant, specified above, previously registered with the Department or results in the emission of an air pollutant not previously emitted and registered with the Department.)</p> <p>(B) Such registration shall be made on such forms and contain such information as the Department may reasonably require, including but not limited to:</p> <ol style="list-style-type: none"> (1) the name and address of the facility; (2) an estimate of emissions from the facility; and (3) an explanation of how the emissions estimate was determined. <p>(C) Such registration does not affect the responsibility of the owner/operator to comply with applicable portions of this regulation.</p> <p>(D) A facility may construct, operate, or modify a source subject to registration under this section immediately upon submittal of the registration.</p> <p>(E) Sources registered under this section shall pay an annual fee of \$200. The requirements of Chapter 3 (Permit Fee Payment) of the Commission's Regulation 9, Fee Regulation, shall apply to fees collected under this section.</p> <p>(F) Sources currently holding permits but whose emissions are below the permitting thresholds in Reg. 18.301, and above the registration thresholds under Reg. 18.315(A) may elect to continue to operate under their existing permit or</p>	<p>results in the emission of an air <u>contaminant</u> not previously emitted and registered with the Department.</p> <p>(C) <u>The</u> registration shall be made on <u>Department</u> forms and contain information as the Department may reasonably require, including but not limited to:</p> <ol style="list-style-type: none"> (1) <u>The</u> name and address of the facility; (2) <u>An</u> estimate of emissions from the facility; and (3) <u>An</u> explanation of how the emissions estimate was determined. <p>(D) <u>Registration</u> does not affect the responsibility of the owner <u>or</u> operator to comply with applicable portions of this <u>Regulation</u>.</p> <p>(E) <u>The owner or operator</u> may construct, operate, or modify a source subject to registration under <u>Reg. 35.3.1002</u> immediately upon submittal of the registration.</p> <p>(F) <u>The owner or operator of</u> a source registered under <u>Reg. 35.3.1002</u> shall pay an annual fee of <u>two hundred dollars</u> (\$200). The requirements of Chapter 3 (Permit Fee Payment) of the <u>Arkansas Pollution Control and Ecology</u> Commission's Regulation 9, Fee Regulation shall apply to fees collected under this <u>Subchapter</u>.</p> <p>(G) <u>The owner or operator currently holding a permit for a source with actual emissions fall within the ranges specified under Reg. 35.3.1002(A)</u> may</p>	

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<p>they may submit a registration and request their permit be voided. The permit shall remain in effect until voided. If a source takes no action, the permit will remain in effect.</p> <p>(G) A source otherwise required to be registered under this section may instead choose to operate under a permit issued in accordance with Reg. 18.302.</p>	<p>elect to continue to operate under their existing permit or they may submit a registration and <u>request that the Department void</u> their permit. The permit shall remain in effect until voided. If a source takes no action, the permit will remain in effect.</p> <p>(H) <u>The owner or operator of a</u> source otherwise required to <u>register</u> under this section may instead choose to operate under a permit issued in accordance with Reg. <u>35.3.1003. Registration with the Department is not equivalent to a permit.</u></p>	

Regulation No. 18, Chapter 4 is Reserved

Regulation No. 18, Chapter 5

Previous Citation	New Citation	Comments
<p>Reg. 18.501 Visible Emissions Limitations</p> <p>(A) No person shall cause or permit visible emissions (other than uncombined water vapor) from equipment to exceed the limitations of this section except as specifically provided within this Code. More stringent limitations on individual pieces of equipment may be imposed by the Department in applicable permits due to control requirements or control apparatus, corresponding emission limitations and/or applicable national standards.</p> <p>(1) For equipment installed on or before January 30, 1972, emissions shall not exceed 40% opacity, except that emissions greater than 40% opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty (60) minute period, provided such emissions will not be permitted more than three (3) times during any twenty-four (24) hour period.</p> <p>(2) For equipment installed or modified after January 30, 1972, emissions shall not exceed an opacity greater than 20% except as described in (A)(3) below.</p> <p>(3) Notwithstanding (A)(2) if this subsection, for wood, coal or oil fired boilers installed or modified after January 30, 1972, emissions shall not exceed 20% opacity, except that emissions of opacity greater than 20%, but not exceeding 60%, will be allowed for not more than six (6) minutes in the aggregate in any</p>	<p>Reg. 35.3.801 Visible Emissions Limitations</p> <p>(A) <u>A</u> person shall not cause or allow visible emissions (other than uncombined water vapor) from equipment to exceed the limitation of this section except as specifically provided within this Chapter. In determining the emissions of a source for the purposes of demonstrating air pollution will not occur, the Department shall take into account any incremental increase in allowable emissions under these conditions.</p> <p>(1) For equipment installed on or before January 30, 1972, emissions shall not exceed <u>forty percent (40%)</u> opacity, except that emissions greater than <u>forty percent (40%)</u> opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty-minute period, if the emissions will not occur more than three (3) times during any twenty-four-hour period.</p> <p>(2) For equipment installed or modified after January 30, 1972, emissions shall not exceed an opacity greater than <u>twenty percent (20%)</u> except as described in <u>Reg. 35.3.801(A)(3)</u>.</p> <p>(3) <u>F</u>or wood-fired, coal, or oil-fired boilers installed or modified after January 30, 1972, emissions greater than <u>twenty percent (20%)</u> opacity <u>but not exceeding sixty percent (60%)</u> opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty-</p>	<p>The provisions of Reg. 18.501(A) have been reorganized in Reg. 35.3.801.</p>

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<p>consecutive sixty (60) minute period, provided—such emissions will not be permitted more than three (3) times during any twenty-four (24) hour period.</p> <p>(4) Wood fired boilers shall meet all visible emissions of this chapter except that visible emissions may exceed the permitted opacity for up to 45 minutes once in any consecutive 8 hour period, three times in any consecutive twenty-four (24) hour period for soot blowing, grate cleaning, ash raking, and refiring necessary for proper operation of these units. This practice is to be scheduled for the same specific time each day and shall be recorded. The Department shall be notified in advance and in writing of the schedule or any changes. The process of soot blowing, grate cleaning, ash raking, and refiring or any part thereof is considered one activity and the time limit on this activity is 45 minutes.</p> <p>In determining the emissions of a source for purposes of demonstrating air pollution will not occur, the Department shall take into account any incremental increase in allowable emissions under these conditions.</p>	<p>minute period, if the emissions will not occur more than three (3) times during any twenty-four-hour period.</p> <p>(4) Wood fired boilers shall meet all visible emissions of this <u>section</u> except that visible emissions may exceed the permitted opacity for up to <u>forty-five (45)</u> minutes once in any consecutive eight-hour period, three <u>(3)</u> times in any consecutive twenty-four-hour period for soot blowing, grate cleaning, ash raking, and refiring necessary for proper operation of these units. This practice <u>shall be</u> scheduled for the same specific time each day and shall be recorded. The Department shall be notified in advance and in writing of the schedule or any changes. The process of soot blowing, grate cleaning, ash raking, and refiring or any part thereof is considered one activity and the time limit on this activity is <u>forty-five (45)</u> minutes.</p> <p>Reg. 35.3.801 Visible Emissions Limitations</p> <p>(C) <u>The Department may impose</u> more stringent limitations on individual pieces of equipment due to control requirements or control apparatus, corresponding emissions limitations, and/or applicable national standards.</p>	

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<p>Reg. 18.501 Visible Emissions Limitations</p> <p>(B) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A as of July 1, 1997).</p>	<p>Reg. 35.3.801 Visible Emissions Limitations</p> <p>(B) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).</p>	<p>As of date removed to allow more recent versions of testing method 9 to be used.</p>
<p>Reg. 18.501 Visible Emissions Limitations</p> <p>(C) As used in this subsection, the term “existing equipment” means equipment which was installed and in operation as of January 30, 1972, or equipment for which a permit has been issued pursuant to Chapter 3 of this Code prior to January 30, 1972, and the term “new equipment” means all equipment other than existing equipment.</p>	<p>NONE</p>	<p>The term “existing equipment” isn’t used anywhere in Regulation No. 18, Chapter 5 except in Reg. 18.501(C) where it is defined.</p>
<p>Reg. 18.501 Visible Emissions Limitations</p> <p>(D) The emission limitations of this section shall not apply to the following conditions and activities:</p> <ol style="list-style-type: none"> (1) The start-up of a new fire in an incinerator used exclusively for the disposal of wood waste or the waste from cotton gins, provided that start-up does not exceed thirty minutes and provided, further, that there is only one such start-up per day; (2) The application of fertilizers, pesticides, and defoliant; (3) The use of mobile and portable equipment in the clearing, grading, or plowing of land; (4) The application of base or surface 	<p>Reg. 35.3.801 Visible Emissions Limitations</p> <p>(E) The emissions limitations of this section shall not apply to the following conditions and activities:</p> <ol style="list-style-type: none"> (1) The start-up of a new fire in an incinerator used exclusively for the disposal of wood waste or the waste from cotton gins, if start-up does not exceed thirty minutes and provided, further, that there is only one such start-up per day; (2) The application of fertilizers, pesticides, and defoliant; (3) The use of mobile and portable equipment in the cleaning, grading, or plowing of land; (4) The application of base or surface materials to roads, runways, parking lots, 	

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<p>materials to roads, runways, parking lots, and similar facilities;</p> <p>(5) The use of agricultural equipment in the planting, cultivating, or harvesting of crops, or in the feeding of animals or fowls;</p> <p>(6) The non-commercial preparation of food and to the use of outdoor fireplaces used in connection with any residence;</p> <p>(7) The use of incinerators and heating equipment used in connection with residences used exclusively as dwellings for not more than four families; and</p> <p>(8) The use of portable incinerators used for the disposal of debris from demolition and land clearing operations.</p>	<p>and similar facilities;</p> <p>(5) The use of agricultural equipment in the planting, cultivating, or harvesting of crops, or in the feeding of animals or fowls;</p> <p>(6) The non-commercial preparation of food and the use of outdoor fireplaces used in connection with any residence;</p> <p>(7) The use of incinerators and heating equipment used in connection with residences used exclusively as dwellings for not more than four families; and</p> <p>(8) The use of portable incinerators used for the disposal of debris from demolition and land clearing operations.</p>	
<p>Reg. 18.501 Visible Emissions Limitations</p> <p>(E) The owner or operator of equipment may petition the Director for an emission limitation less stringent than that provided in <u>Reg. 18.501(A)</u> provided, however, that such petition if filed not more than six months after commencement of operation of equipment for which a permit has been issued by the Director and, provided further, that such equipment is in compliance with all provisions of the Air Code except those of <u>Reg. 18.501(A)</u>. The petition shall contain such information as the Director may reasonably require. Upon review of the petition and any other evidence before him or her, the Director may require additional information; grant the relief sought in the petition; or establish an</p>	<p>Reg. 35.3.801 Visible Emissions Limitations</p> <p>(D) <u>Petitions for Less Stringent Emission Limitations</u></p> <p>(1) The owner or operator of equipment may petition the Director for an emission limitation less stringent than that provided in <u>Reg. 35.3.801(A)</u> provided that:</p> <p>(a) <u>The</u> petition <u>is</u> filed not more than six <u>(6)</u> months after commencement of operation of equipment for which a permit has been issued by the Director; and</p> <p>(b) <u>The</u> equipment is in compliance with all provisions of this <u>Chapter</u> except those of</p>	

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<p>emission limitation other than that sought by the petitioner; provided that the Director affirmatively finds full compliance with all other provisions of the Air Code, and that full compliance with provisions of this section is technically or economically infeasible. The petitioner shall be notified of the Director's decision within a reasonable time.</p>	<p>Reg. <u>35.3.801(A)</u>.</p> <p><u>(2)</u> Any petition under <u>Reg. 35.3.801(D)</u> shall contain information as the Director may reasonably require.</p> <p><u>(3)</u> Upon review of the petition and any other evidence, the Director may require additional information; grant the relief sought in the petition; or establish an emission limitation other than that sought by the petitioner; <u>if</u> the Director affirmatively finds full compliance with all other provisions of <u>this Chapter</u>, and that full compliance with provisions of this section is technically or economically infeasible. <u>The Department shall notify the petitioner</u> of the Director's decision within a reasonable time.</p>	

Regulation No. 18, Chapter 6

Previous Citation	New Citation	Comments
<p>Reg. 18.601 Intent</p> <p>In order to avoid conflicting and overlapping jurisdiction, it is the intention of this chapter to clarify the position that the Department occupies the field of control and abatement of air pollution and contamination; and no political subdivision of this state shall enact or enforce laws, ordinances, resolutions, rules or regulation in this field, unless such laws, ordinances, resolutions, rules or regulations are for the purpose of prohibiting burning in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.</p>	<p>Reg. 35.105 Pre-emption of Political Subdivisions</p> <p><u>T</u>o avoid conflicting and overlapping jurisdiction, it is the intention of this <u>Section</u> to clarify the position that the <u>State</u> occupies the field of control and abatement of air pollution and contamination; and no political subdivision of this <u>State</u> shall enact or enforce laws, ordinances, resolutions, rules, or regulations in this field; unless <u>the</u> laws, ordinances, resolutions, rules, or regulations are for the purpose of prohibiting burning in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.</p>	<p>Replaced “Department” with “State.” APC&EC has the authority to enact regulations in the field of air pollution control and that authority is not limited to burning. ADEQ has the authority to enforce those regulations.</p> <p>It is probably a hanger on from when the Commission wasn’t a separate entity. The intent is that State government, not local government occupies the field of control and abatement of air pollution.</p>
<p>Reg. 18.602 General Prohibition</p> <p>No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning.</p>	<p>Reg. 35.3.301 Open Burning Prohibition</p> <p><u>A</u> person shall not cause or <u>allow</u> the open burning of refuse, garbage, trade waste, or other waste material, or conduct a salvage operation by open burning.</p>	
<p>Reg. 18.603 Exemptions</p> <p>The provisions of Reg. 18.602 herein shall not apply to the following activities:</p> <p>(A) Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces used in connection with any residence;</p> <p>(B) Open burning related to agricultural activities</p>	<p>Reg. 35.3.302 Exemptions to Open Burning Prohibition</p> <p><u>Reg. 35.3.301 does</u> not apply to the following activities:</p> <p>(A) Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces used in connection with any residence;</p> <p>(B) Open burning related to agricultural activities</p>	<p>Exemption regarding vegetative storm debris pursuant to Ark. Code Ann. §8-4-316 added.</p>

Previous Citation	New Citation	Comments
<p>including, but not limited to, clearing previously uncultivated lands and burning of stubble and other debris on previously harvested fields; provided however, that this exemption shall not be extended to the disposal, by open burning, of waste products generated by cotton gins, or similar equipment used in a manufacturing process or to the disposal by open burning of fowls or animals;</p> <p>(C) Controlled fires used for purposes of forest and wildlife management, provided that such fires are used and burned when winds are blowing away from populated areas which might be affected;</p> <p>(D) Controlled fires used only for purposes of on-site land clearing operations;</p> <p>(E) Smokeless flares or safety flares from the combustion of waste gases, provided that all other applicable provisions of this Code are complied with;</p> <p>(F) Open burning of the site or origin of waste hydrocarbon products from oil exploration, development, or production, or from natural gas processing plants, or from materials spilled or lost from pipeline breaks, where, because of the isolated location, such waste products cannot be reclaimed, recovered, or disposed of lawfully in any other manner;</p> <p>(G) Fires set or authorized by any public officer, board, council, or commission when the fire is set or permission to burn is given in the performance of the duty of the officer for the purpose of weed abatement, or the prevention or elimination of a fire hazard; or fires set for the purposes of the</p>	<p>including, but not limited to, clearing previously uncultivated lands and burning of stubble and other debris on previously harvested fields; provided however, that this exemption shall not be extended to the disposal, by open burning, of waste products generated by cotton gins, or similar equipment used in a manufacturing process or to the disposal by open burning of fowls or animals;</p> <p>(C) Controlled fires used for purposes of forest and wildlife management, <u>if the</u> fires are used and burned when winds are blowing away from populated areas that might be affected;</p> <p>(D) Controlled fires used only for purposes of on-site land clearing operations;</p> <p>(E) Smokeless flares or safety flares from the combustion of waste gases, <u>if the flares comply with</u> all other applicable provisions of this <u>Chapter</u>;</p> <p>(F) Open burning at the site of origin of waste hydrocarbon products from oil exploration, development, or production, or from natural gas processing plants, or from materials spilled or lost from pipeline breaks, <u>if</u>, because of the isolated location, <u>the</u> waste products cannot be reclaimed, recovered, or disposed lawfully in any other manner;</p> <p>(G) Fires set or authorized by any public officer, board, council, or commission <u>if</u> the fire is set or permission to burn is given in the performance of the duty of the officer for the purpose of weed abatement, or the prevention or elimination of a fire hazard; or fires set for the purposes of the</p>	

Previous Citation	New Citation	Comments
<p>instruction in methods of firefighting or for civil defense instructions;</p> <p>(H) Open burning <u>incident</u> to on-site clean-up operations resulting from transportation accidents where, because of the isolated location, the material to be burned cannot be reclaimed or recovered, or where there is no other practical, safe, or lawful method of disposal; provided, however, that the Director shall be notified of the exact location, and the nature and quantities of materials to be burned prior to ignition; and provided, further, that such burning shall be conducted in accordance with the written approval of the Director. At his or her election, the Director's approval may be delivered by telephone, and confirmed, thereafter, in writing, in the case of an emergency; and</p> <p>(I) Open burning of any material not elsewhere specifically prohibited or exempted in this chapter and for which there is no practical, safe, or lawful means of disposal; except that no person shall cause or permit such open burning without first obtaining a letter of authorization for open burning from the Director in accordance with the provisions as set forth in <u>Reg. 18.605</u>.</p>	<p>instruction in methods of firefighting or for civil defense instructions;</p> <p>(H) Open burning <u>relating</u> to on-site clean-up operations resulting from transportation accidents <u>if</u>, because of the isolated location, the material to be burned cannot be reclaimed or recovered, or if there is no other practical, safe, or lawful method of disposal; if:</p> <p>(1) The Director <u>is</u> notified of the exact location, and the nature and quantities of materials to be burned prior to ignition;</p> <p>(2) <u>The Director approves in writing of the burning. In case of emergency, the Director may choose to deliver approval by telephone and later confirm the approval in writing; and</u></p> <p>(3) <u>The burning is conducted in accordance with the written approval of the Director;</u> and</p> <p>(I) Open burning of any material not elsewhere specifically prohibited or exempted in this <u>Sub</u>chapter and for which there is no practical, safe, or lawful means of disposal; except that <u>a</u> person shall <u>not</u> cause or allow open burning without first obtaining a letter of authorization for open burning from the Director in accordance with the provision as set forth</p>	

Previous Citation	New Citation	Comments
	<p>in <u>Reg. 35.3.305.</u></p> <p><u>(J) Opening burning of vegetative storm debris as authorized under Reg. 35.3.303.</u></p>	
<p>Reg. 18.604 Conditions of Air Pollution</p> <p>During conditions of air pollution, when declared by the Director to exist in any area of the State, all open burning in such area which otherwise is exempted in this Section, shall be discontinued as set forth herein, unless otherwise is specifically provided in the Director's public announcements pursuant to the provisions of Chapter 14 of this Code.</p> <p>(A) Conditions of air pollution as defined in Chapter 2 of this Code— Open burning as provided in Reg. 18.603(B)(C)(F) and (H) shall be discontinued until such conditions have been declared by the Director to have ceased to exist. The Department may limit the scope of such discontinuance to one or more of the activities as provided in Reg. 18.603(B)(C)(F) and (H) if it finds that the conditions of air pollution are primarily caused by such activity.</p> <p>(B) Conditions of episodic air pollution as defined in Chapter 2 of this Code— Open burning as provided in Reg. 18.603(B)(C)(F) and (G) shall be discontinued upon public announcement by the Director, until such time that the Director declares such conditions have ceased to exist. The Director may limit the scope of such discontinuance to one or more of the activities if he or she finds that the conditions of air pollution are caused primarily by such activity.</p> <p>(C) The prohibition of open burning pursuant to the</p>	<p>Reg. 35.3.304 Conditions of Air Pollution</p> <p>During conditions of air pollution, <u>if</u> declared by the Director to exist in any area of the State, all open burning in <u>the</u> declared area <u>that</u> is otherwise exempted <u>under Reg. 35.3.302</u> shall be discontinued as set forth herein, <u>except as</u> specifically provided in the Director's public announcements.</p> <p>(A) <u>During conditions of air pollution</u>, open burning as provided in <u>Reg. 35.3.302(B), (C), (F), and (H)</u> shall be discontinued until <u>the Director declares that the conditions</u> have ceased to exist. The Department may limit the scope of the discontinuance to one or more of the activities as provided in <u>Reg. 35.3.302(B), (C), (F), and (H)</u> if it finds that the conditions of air pollution are primarily caused by the activity.</p> <p>(B) <u>During conditions of episodic air pollution</u>, open burning as provide in <u>Reg. 35.3.302(B), (C), (F), and (G)</u> shall be discontinued upon public announcement by the Director, until the Director declares that the conditions <u>of episodic air pollution</u> have ceased to exist. The Director may limit the scope of <u>the</u> discontinuance to one or more of the activities if he or she finds that the conditions of episodic air pollution are caused primarily by <u>the</u> activity.</p> <p>(C) The Director may <u>allow</u> open burning during the existence of a condition of air pollution under conditions described in Reg. 35.3.302(F), (G),</p>	<p>Removed exception from prohibition that was based on dates that lapsed decades ago.</p>

Previous Citation	New Citation	Comments
<p>provisions of Reg. 18.604 shall be in effect as of January 30, 1972, except that such prohibition shall not be applicable to Reg. 18.603(B) of this chapter until July 15, 1973.</p> <p>(D) The Director may permit open burning during the existence of a condition of air pollution under conditions described in Reg. 18.603(F)(G) and (H) if the Director, after consultation with public safety officials in the locality in question, determines that such open burning is absolutely necessary, in the Director’s opinion, to prevent danger to life or property.</p> <p>(E) The statutory authority of the Department to grant variances and permits is in no way limited by this chapter.</p>	<p>and (H) if the Director <u>determines</u>, after consultation with public safety officials in the locality in question, that open burning is absolutely necessary, in the Director’s opinion, to prevent danger to life or property.</p> <p>(D) The statutory authority of the Department to grant variances and permits is in no way limited by this <u>Subchapter</u>.</p>	
<p>Reg. 18.605 Open Burning Authorizations</p> <p>Upon application, the Department shall issue letters of authorization for open burning, provided—that the applicant affirmatively demonstrates to the satisfaction of the Department, that there are no practicable, safe, and lawful alternative methods of disposal and that open burning is absolutely necessary and in the public interest and provided, further, that said applications contain such other information as the Department may reasonably require. Only letters of authorization issued by the Department satisfy this chapter. Open burning permits may also be required by the local public officers, boards, councils, or commissions for safety or other purposes; however, those permits do not satisfy the requirement to obtain an authorization under this chapter.</p>	<p>Reg. 35.3.304 Open Burning Authorizations</p> <p>Upon <u>receipt of</u> application, the Department shall issue letters of authorization for open burning, <u>if</u> the applicant affirmatively demonstrates to the satisfaction of the Department, that there are no practicable, safe, and lawful alternative methods of disposal and that open burning is absolutely necessary and in the public interest and provided, further, that said applications contain <u>any</u> other information <u>that</u> the Department may reasonably require. Only letters of authorization issued by the Department satisfy this <u>Subchapter</u>. Open burning permits may also be required by the local public officers, boards, councils, or commissions for safety or other purposes; however, those permits do not satisfy the requirement to obtain an authorization under this <u>Subchapter</u>.</p>	

Regulation No. 18, Chapter 7

Previous Citation	New Citation	Comments
<p>Reg. 18.701 Emissions from Mobile Equipment</p> <p>(A) Any person owning or operating a motor vehicle including, but not limited to automobiles and trucks, incorporating a system for the control of emissions from the crankcase or exhaust system, or for the control of evaporative emissions, shall maintain the system in good operable condition and shall use it at all times that the vehicle is operated. The operator of such vehicle shall not intentionally make the system inoperable and shall not remove it except to install a proper replacement.</p> <p>(B) No person shall cause or permit the emission of an air contaminant from a motor vehicle including, but not limited to, automobiles and trucks of a density exceeding 30% opacity, except during acceleration and gear shifting for periods not to exceed 5 seconds. Where the presence of uncombined water is the only reason for failure of an emission to comply herewith, this subsection shall not apply.</p> <p>(C) Railroad locomotives shall be maintained and operated such as to minimize visible emissions.</p> <p>(D) The provisions of this chapter shall not be applicable to the emission of air contaminants from motor exhaust of tractors, graders, earthmovers, or other mobile and portable equipment used exclusively in land clearing, agricultural, or road building operations; provided, however, that prime movers used for the transportation of said portable and mobile equipment shall not be exempt.</p>	<p>Reg. 35.3.501 Emissions from Mobile Equipment</p> <p>(A) Any person owning or operating a motor vehicle including, but not limited to automobiles and trucks, incorporating a system for the control <u>of</u> the emissions from the crankcase or exhaust system, or for the control <u>of</u> evaporative emissions, shall maintain the system in good operable condition and shall use it at all times that the vehicle is operated. The operator of <u>the</u> vehicle shall not intentionally make the system inoperable and shall not remove it except to install a proper replacement.</p> <p>(B) <u>A</u> person shall <u>not</u> cause or <u>allow</u> the emission of an air contaminant from a motor vehicle including, but not limited to, automobiles and trucks, of a density exceeding <u>thirty percent (30%)</u> opacity, except during acceleration and gear shifting for periods not to exceed <u>five (5)</u> seconds. <u>If</u> the presence of uncombined water is the only reason for failure of <u>a motor vehicle</u> to comply herewith, <u>Reg. 35.3.501(C)</u> shall not apply.</p> <p>(C) Railroad locomotives shall be maintained and operated to minimize visible emissions.</p> <p>(D) <u>This Subchapter</u> shall not be applicable to the emission of air contaminants from motor exhaust of tractors, graders, earthmovers, or other mobile and portable equipment used exclusively in land clearing, agricultural, or road building operations; provided, however, that prime movers used for the transportation of said portable and mobile equipment shall not be exempt.</p>	

Regulation No. 18, Chapter 8

Previous Citation	New Citation	Comments
<p>Reg. 18.801 Prohibition of the Emission of Air Contaminants Such as to Constitute Air Pollution</p> <p>No person shall cause or permit the emission of air contaminants, including odors or water vapor and including an air contaminant whose emission is not otherwise prohibited by this Code, if the emission of the air contaminant constitutes air pollution.</p>	<p>Reg. 35.3.401 Prohibition of Emissions of Air Contaminants Such as to Constitute Air Pollution</p> <p><u>A</u> person shall <u>not</u> cause or <u>allow</u> the emission of air contaminants, odors <u>indicative of the release of an air contaminant</u>, or water vapor if the emission constitutes air pollution.</p>	<p>This change is necessary to clarify that an odor itself is not an air contaminant.</p> <p>Odor is the sensory perception of chemicals in the air. Those chemicals in the air may be air contaminants, but odor itself is not.</p>

Regulation No. 18, Chapter 9

Previous Citation	New Citation	Comments
<p>Reg. 18.901 Prohibitions</p> <p>(A) No person shall cause or permit the handling, transporting, or storage of any material in a manner which allows or may allow unnecessary amounts of air contaminants to become airborne.</p> <p>(B) No person shall cause or permit any building or its appurtenances to be constructed, altered, used, repaired, or demolished without applying all such reasonable measures as may be required to prevent unnecessary amounts of particulate matter from becoming airborne.</p>	<p>Reg. 35.3.402 Fugitive Emissions Prohibitions</p> <p>(A) <u>A</u> person shall <u>not</u> cause or <u>allow</u> the handling, transporting, or storage of any material in a manner <u>that</u> allows or may allow unnecessary amounts of air contaminants to become airborne.</p> <p>(B) <u>A</u> person shall <u>not</u> cause or <u>allow</u> any building or its appurtenances to be constructed, altered, used, repaired, or demolished without applying all reasonable measures as may be required to prevent unnecessary amounts of particulate matter from becoming airborne.</p>	

Regulation No. 18, Chapter 10

The sampling, monitoring, and reporting requirements contained in Regulation No. 18, Chapter 10 are redundant with those in Regulation No. 19. Substantive differences and additional state only requirements have been added in this section. The language below would replace all of the language in Regulation No. 18 Chapter 10.

Reg. 35.3.901 Sampling, Monitoring, Notice, Recordkeeping and Reporting Requirements

- (A) The requirements of Reg. 35.701–Reg. 35.703 and Reg. 35.705–Reg. 35.706 shall also apply to sources subject permitting under this Chapter except that alternative methods approved by the Department shall not require the concurrence of EPA.
- (B) The Department reserves the right to require additional sampling, monitoring, and reporting requirements not already required in federal regulations.
- (C) Any stationary source subject to this Regulation shall, upon request by the Department, maintain records of any information deemed necessary by the Department to determine whether the source is in compliance with applicable emissions limitations or other control measures.

Regulation No. 18, Chapter 11

Previous Citation	New Citation	Comments
<p>Reg. 18.1101 Upsets</p> <p>Any source exceeding an emission limit established by this Code or applicable permit, shall be deemed in violation of said Code or permit and shall be subject to enforcement action. The Director may forego enforcement action for emissions exceeding any limits established by this Code or permit as a direct result of unavoidable upset conditions in the nature of the process, or unavoidable and unforeseeable breakdown of any air pollution control equipment or related operating equipment, or as a direct result of shutdown or start up of such equipment for necessary scheduled maintenance, provided that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions and the following requirements are met:</p> <p>(A) Such occurrence, in the case of unavoidable upset in or breakdown of equipment, shall have been reported to the Director by the end of the next business day after the occurrence.</p> <p>(B) The person responsible for such emissions shall submit to the Director, at his or her request, a full report of such occurrence, including a statement of all known causes and of the scheduling and nature of the actions to be taken to minimize or eliminate future occurrences, including, but not limited to, action to reduce the frequency of occurrence of such conditions, to minimize the amount by which said limits are exceeded, and to reduce the length of time for which said limits are exceeded.</p> <p>(C) In the case of a shutdown for necessary scheduled maintenance, the intent to shutdown shall be</p>	<p>Reg. 35.3.902 Upset and Emergency Conditions</p> <p><u>The procedures and requirements of Chapter 5 of this Regulation shall also apply to sources subject to permitting under this Chapter.</u></p>	<p>The upset conditions were largely similar in Regulation No. 18 and No. 19. Consistency in dealing with upset conditions is desired. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.902 merely states that the requirements in Regulation No. 35, Chapter 5 also apply to sources subject to permitting in under Subchapter 3.10.</p>

Previous Citation	New Citation	Comments
<p>reported to the Director at least twenty-four (24) hours prior to the shutdown; provided, however, that the exception provided by this subsection shall only apply in those cases where maximum reasonable effort has been made to accomplish such maintenance during periods of nonoperation of any related source operation or where it would be unreasonable or impossible to shut down the source operation during the maintenance period.</p> <p>(D) The person responsible for such emissions shall have submitted to the Department for its approval prior to April 30, 1972, either as a part of its permit application, if a new source, or on a separate application for existing sources, a schedule of those precautionary devices and procedures designed to minimize such occurrences as are described in Reg. 18.110(A); said application shall be on such forms and shall contain such information as the Department may reasonably require; said application shall have been approved by the Department and not therefore withdrawn; and said equipment is being operated within the terms of the application as approved, at the time of such occurrence.</p> <p>(E) Demonstrates to the satisfaction of the Department that the emissions resulted from:</p> <ul style="list-style-type: none"> (1) equipment malfunction or upset condition and are not the result of negligence or improper maintenance; and (2) physical constraints on the ability of a source to comply with the emission standard, limitation or rate during startup or shutdown. 		

Previous Citation	New Citation	Comments
<p>And that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.</p>		
<p>Reg. 18.1102 Fuel Curtailment</p> <p>Any person responsible for the operation of any equipment operating in compliance with the provisions of this Code but which can reasonably anticipate periods of non compliance due to change of fuels, or lack thereof, shall file with the Department, for its approval prior to April 30, 1972, and on such forms and containing such information as the Department may reasonably require, an application which demonstrates to the Department's satisfaction:</p> <p>(A) The nature and frequency of such anticipated periods of non-compliance;</p> <p>(B) That such alterations in fuel supply are beyond the control of said person, firm, or corporation;</p> <p>(C) That said person, firm, or corporation has, or will, incorporate all reasonable steps to minimize the frequency of such periods of non-compliance and to minimize the degree of non-compliance during such periods; and</p> <p>(D) That such person, firm, or corporation has, or will, take such measures as may be necessary, to ensure full or substantial compliance with all provisions of the Code during periods of episodic air pollution. Such required measures may include but need not be limited to the maintenance of an emergency fuel supply, and/or provisions for shutdown or curtailment of production.</p>	<p>None</p>	<p>This provision is outdated. The provision was likely put in place due to the historic oil shortages in the 1970s. Sources seeking approval for periods of noncompliance due to change of or lack of fuel would have had to file for approval prior to 1972. No practical effect is expected from removal of this provision.</p>

Previous Citation	New Citation	Comments
<p>Reg. 18.1103 – Conditions of Air Pollution</p> <p>Except for those persons who have filed for and received Department approval of applications submitted pursuant to the provisions of Reg. 18.1101 or Reg. 18.1102 hereof, the exceptions granted in said sections shall not be extended and shall be considered inapplicable during the existence of conditions of air pollution, as declared by the Director pursuant to provisions of Reg. 18.604 if the affected sources are located in the area in which a condition of air pollution is so declared.</p>	<p>None</p>	<p>The applications referred to in Reg. 18.1101 and Reg. 18.1102 would have had to have been submitted prior to 1972. This restriction on the ability to exercise enforcement discretion is not precluded in Regulation No. 19.</p>
<p>Reg. 18.1104 – Department’s Authority</p> <p>Nothing provided herein shall be construed to limit the Department’s authority to require the installation and maintenance of control equipment as a condition of the granting of a permit or approval of an application.</p>	<p>None</p>	<p>This provision is not necessary to preserve the department’s authority.</p>
<p>Reg. 18.1105 – Emergency Conditions</p> <p>An “emergency” means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology based emission limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include non-compliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.</p> <p>(A) An emergency constitutes a complete affirmative</p>	<p>Reg. 35.3.902 Upset and Emergency Conditions</p> <p>The procedures and requirements of Chapter 5 of this Regulation shall also apply to sources subject to permitting under this Chapter.</p>	<p>The emergency conditions were largely similar in Regulation No. 18 and No. 19. Rather than repeat them in a couple of places in Regulation No. 35, Reg. 35.3.902 merely states that the requirements in Regulation No. 35, Chapter 5 also apply to sources subject to permitting in under Subchapter 3.10.</p>

Previous Citation	New Citation	Comments
<p>defense to an action brought for non-compliance with such technology-based limitations if the following conditions are met. The affirmative defense of emergency shall demonstrate through properly signed contemporaneous operating logs, or such other relevant evidence that:</p> <p>(3) An emergency occurred and that the permittee can identify the cause(s) of the emergency;</p> <p>The permitted facility was at the time being properly operated;</p> <p>During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and</p> <p>The permittee submitted notice of the upset condition to the Department by the end of the next business day after the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.</p> <p>(B) [RESERVED]</p>		

Regulation No. 8, Chapter 12

Previous Citation	New Citation	Comments
<p>Reg. 18.1201 Circumvention</p> <p>Unless prior written approval is obtained from the Director, no person shall build, erect, install, or use any article, machine, equipment, or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction of the total amount of air contaminants emitted to the atmosphere. This rule does not apply to the control of odors or to the installation of stacks for which a permit has been issued as provided in Chapter 3 of this Code.</p>	<p>Reg. 35.3.403 Circumvention</p> <p><u>Unless the Director provides prior written approval, a</u> person shall <u>not</u> build, erect, install, or use any article, machine, equipment, or other contrivance <u>if its</u> sole purpose is to dilute or conceal an emission without resulting in a reduction of the total amount of air contaminants emitted to the atmosphere. This rule does not apply to the control of odors or the installation of stacks <u>if a</u> permit has been issued as provided in <u>this Chapter</u>.</p>	

Regulation No. 18, Chapter 13

Previous Citation	New Citation	Comments
<p>Reg. 18.1301 Authority</p> <p>Within areas of high source density or higher receptor density and/or within areas affected by levels of air contamination, which, due to their intensity and/or duration, threaten to constitute a significant departure from the National Ambient Air Quality Standards, the Department may prescribe air quality control requirements that are more restrictive and more extensive than those provided in the regulations of general application within said areas. Such requirements may be kept in effect for such period and to such extent the Department deems necessary to adequately deal with such conditions.</p>	<p>Reg. 35.3.601 Conditions of Air Pollution</p> <p>(A) Within areas of high source density or high receptor density and/or within areas affected by levels of air contaminants, which, due to their intensity and/or duration, threaten to constitute a significant departure from the <u>national ambient air quality standards</u>, the Department may prescribe air quality control requirements that are more restrictive and more extensive than those provided in the regulations of general application within said areas. <u>These</u> requirements may be kept in effect for <u>a</u> period that the Department deems necessary to adequately deal with <u>the</u> conditions.</p>	
<p>Reg. 18.1302 Notification and Reporting Requirements</p> <p>(A) The owner or operator of any stationary source shall, upon notification from the Department, maintain records of the nature and amounts or emissions from such source and/or any other information as may be deemed necessary by the Department to determine whether such source is in compliance with applicable emission limitations or other control measures.</p> <p>(B) The information recorded shall be summarized and reported to the Department on forms furnished by the Department, and shall be submitted within forty five (45) days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31, except that the initial reporting period shall commence on the date the Department issued</p>	<p>Reg. 35.3.901 Sampling, Monitoring, Notice, Recordkeeping and Reporting Requirements</p> <p><u>The requirements of Reg. 35.701-Reg. 35.703 and Reg. 35.705-Reg. 35.706 applicable to stationary sources of federally regulated air pollutants shall also apply to stationary sources of air contaminants subject to this Chapter except that alternative methods approved by the Department shall not require the concurrence of EPA.</u></p>	<p>The notification and reporting requirements in Regulation No. 18.1302 do not appear to relate to the Director's authority to declare a condition of air pollution. In addition, these provisions largely overlap with Notice, Recordkeeping, and Reporting Requirements in Regulation No. 19 with a few exceptions.</p> <p>ADEQ recommends simply referring to the requirements in Chapter 7 of Regulation No. 35 that say that information and data shall be submitted to the Department by a responsible official on</p>

<p>notification of the record-keeping requirements.</p> <p>(C) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Department shall be retained by the owner or operator for two (2) years after the date on which the pertinent report is submitted.</p> <p>(D) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the Department office in North Little Rock.</p>		<p>forms and at time intervals as prescribed by applicable federal regulations or the Department. The more specific language is unnecessary and does not extend ADEQ's authority or restrict what is required of sources. The other difference is the length of time that information must be retained. Regulation No. 19 states that information must be retained for five years and Regulation No. 18 states that the information must be retained for two years. Consistency in records retention is desired.</p>
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Regulation No. 18, Chapter 14

Previous Citation	New Citation	Comments
<p>Reg. 18.1401 Public Notification</p> <p>In the event the Director finds the existence of a condition of air pollution pursuant to Chapter 2 of this Code or of episodic air pollution pursuant to Chapter 2 of this Code, or the Department imposes extraordinary air quality control requirements pursuant to Reg. 18.1301, the Director shall summarize the conditions and the actions taken in response thereto and make said summary available to the news media and to the public, and shall continue to publish such summaries at regular intervals throughout the duration of said conditions and the actions.</p>	<p>Reg. 35.3.601 Conditions of Air Pollution</p> <p>(B) <u>If</u> the Director finds the existence of a condition of air pollution or <u>conditions</u> of episodic air pollution or the Department imposes extraordinary air quality control requirements pursuant to <u>Reg. 35.3.601(A)</u>, the Director shall summarize the conditions and the actions taken in response thereto and <u>shall</u> make <u>the</u> summary available to the news media and to the public. <u>The Director</u> shall continue to publish <u>the</u> summaries at regular intervals throughout the duration of said conditions and actions.</p>	
<p>Reg. 18.1402 Confidentiality</p> <p>Information which constitutes a trade secret shall be held confidential and segregated from the public files of the Department if requested in writing by the permit applicant in accordance with this subsection.</p> <p>(A) For purposes of this subsection, “Trade Secret” means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production that:</p> <p>(1) derives independent economic value (actual or potential) from not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use; and</p> <p>(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.</p>	<p>Reg. 35.901 Confidentiality of Trade Secrets</p> <p>(A) Information <u>that</u> constitutes a <u>“Trade Secret”</u> shall be held confidential and segregated from the public files of the Department if requested in writing <u>and the information meets the following requirements:</u></p> <p>(1) <u>The Applicant</u> derives independent economic value (actual or potential) from the information not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use;</p> <p>(2) <u>The information claimed as confidential</u> is the subject of efforts that are reasonable under the circumstances to maintain its secrecy;</p> <p>(3) The applicant <u>submits</u> a sworn affidavit to</p>	<p>Provisions regarding trade secrets will apply throughout entire regulation. Provisions from Regulation No. 18 and 19 were merged and revised to correct inconsistencies across APC&EC Regulations. Consistency in the handling of trade secrets is desired.</p>

<p>(B) In order to establish entitlement to confidentiality, the applicant must submit a sworn affidavit to the Department that is subject to public scrutiny which describes in a manner that does not reveal trade secrets, the processes or market conditions that supports the applicant’s confidentiality claim in the terms of Reg. 18.1402(A)(1) and (2). This affidavit must also recite the following:</p> <p style="padding-left: 40px;">“The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Department’s denial of public access to the documents or information claimed herein to be a trade secret.”</p> <p>If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, it may submit an omnibus affidavit establishing the prerequisites of Reg. 18.1402(A)(1) and (2) and reference this document in future confidentiality claims.</p> <p>(C) Confidentiality claims shall be afforded interim protected status until the Department determines whether the requirements of Reg. 18.402(B) are satisfied. The Department shall make such determination prior to the issuance of any permit or publication of any draft permit. In the event the Department does not make such determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Department provides its written determination concerning the claim, the Department shall not release such information</p>	<p>the Department that is subject to public scrutiny <u>that</u> describes in a manner that does not reveal trade secrets, the processes or market conditions that support the applicant’s confidentiality claim in the terms of <u>Reg. 35.901(A)(1) and (2); and</u></p> <p>(4) This affidavit submitted to the Department recites the following:</p> <p style="padding-left: 40px;">“The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Department’s denial of public access to the documents or information claimed herein to be a trade secret.”</p> <p>(B) If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, <u>the applicant</u> may submit an omnibus affidavit establishing the prerequisites of <u>Reg. 35.901(A)(3) and (4)</u>, and reference this document in future confidentiality claims.</p> <p>(C) Confidentiality claims shall be afforded interim protected status until the Department determines whether the requirements of <u>Reg. 35.901(A)</u> are satisfied. The Department shall make the determination prior to the issuance of any permit or publication of any draft permit. If the Department does not make the determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Department provides its written determination concerning the claim, the Department shall not release <u>the</u> information before notifying the applicant of the</p>	
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<p>before notifying the applicant of the request. The Department shall notify the applicant of the request and the Department's determination on the confidentiality claim at least two business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.</p> <p>(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two copies of the application; one prominently marked as confidential and another that is subject to public review with confidential information excised. The Department will not accept applications that are deemed totally confidential.</p>	<p>request. The Department shall notify the applicant of the request and the Department's determination on the confidentiality claim at least two (2) business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.</p> <p>(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two (2) copies of the application: one prominently marked as confidential and another that is subject to public review with confidential information excised. The Department will not accept applications that are deemed totally confidential <u>except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.</u></p>	
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Regulation No. 18, Chapter 15

Previous Citation	New Citation	Comments
<p>Reg. 18.1501 Effective Date</p> <p>This regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.</p>	<p>Reg. 35.106 Effective Date</p> <p>This Regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.</p>	

Regulation No. 18, Appendix A

Previous Citation	New Citation	Comments
<p>The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain of these listed activities include qualifying statements intended to exclude many similar activities. By such listing, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this regulation. Listing in this part has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as New Source Performance Standards [NSPS], National Emissions Standards for Hazardous Air Pollutants [NESHAPs], or Maximum Achievable Control Technology [MACT]) is not insignificant, even if this activity meets the criteria below.</p>	<p>The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain of these listed activities include qualifying statements intended to exclude many similar activities. By listing these activities, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this <u>Regulation</u>. Listing in this <u>Appendix</u> has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as NSPS, NESHAP, or MACT) is not insignificant, even if this activity meets the criteria below.</p>	
<p style="text-align: center;">Group A</p> <p>The following emission units, operations, or activities must either be listed as insignificant or included in the permit application as sources to be permitted. The ton-per-year applicability levels are for all sources listed in the categories (i.e., cumulative total).</p> <p>1. Fuel burning equipment with a design rate less than ten (10) million British thermal units (MMbtu) per hour, provided that the aggregate pollutant specific emissions from all such units listed as insignificant do not exceed five (5) tons per year (tpy) of any combination of HAPs and ten (10) tpy of any other pollutant.</p>	<p style="text-align: center;">Group A</p> <p>The following emission units, operations, or activities shall either be listed as insignificant or included in the permit application as sources to be permitted. The ton-per-year applicability levels are for all sources listed in the categories (i.e., cumulative total).</p> <p><u>(A)</u> Fuel burning equipment with a design rate less than ten million British thermal units (10 MMBtu) per hour, provided that the aggregate emissions from all the units listed as insignificant do not exceed:</p> <p><u>(1)</u> Five (5) tons per year of any combination of hazardous air pollutants; or</p> <p><u>(2)</u> Ten (10) tons per year of any other</p>	

<p>2. Storage tanks less than or equal to 250 gallons storing organic liquids having a true vapor pressure less than or equal to three and one-half (3.5) pounds-force per square inch absolute (psia), provided that the aggregate pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) tpy of any combination of HAPs and ten (10) tpy of any other pollutant.</p> <p>3. Storage tanks less than or equal to 10,000 gallons storing organic liquids having a true vapor pressure less than or equal to one-half (0.5) psia, provided that the aggregate pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) tpy of any combination of HAPs and ten (10) tpy of any other pollutant.</p> <p>4. Caustic storage tanks that contain no Volatile Organic Compounds (VOCs).</p> <p>5. Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate pollutant specific emissions from all such equipment/vents considered insignificant do not exceed five (5) tpy of any combination</p>	<p>pollutant.</p> <p>(B) Storage tanks less than or equal to two hundred fifty (250) gallons storing organic liquids having a true vapor pressure less than or equal to three and five-tenths (3.5) pounds-force per square inch absolute, provided that the aggregate emissions from all liquid storage tanks listed as insignificant do not exceed:</p> <p>(1) Five (5) tons per year of any combination of hazardous air pollutants; or</p> <p>(2) Ten (10) tons per year of any other pollutant.</p> <p>(C) Storage tanks less than or equal to ten thousand (10,000) gallons storing organic liquids having a true vapor pressure less than or equal to five-tenths (0.5) pounds per square inch absolute, provided that the aggregate emissions from all liquid storage tanks listed as insignificant do not exceed:</p> <p>(1) Five (5) tons per year of any combination of hazardous air pollutants; or</p> <p>(2) Ten (10) tons per year of any other pollutant.</p> <p>(D) Caustic storage tanks that contain no volatile organic compounds.</p> <p>(E) Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate emissions from all equipment/vents considered insignificant do not exceed:</p>	
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<p>of HAPs and ten (10) tpy of any other pollutant.</p> <p>6. Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent of the maximum container volume of material.</p> <p>7. Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of HAPs in excess of one-tenth (0.1) tpy.</p> <p>8. Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable VOCs or HAPs when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.</p> <p>9. Equipment used for surface coating, painting, dipping, or spraying operations, containing less than four-tenths (0.4) pounds per gallon (lb/gal) VOCs, no hexavalent chromium, and no more than one-tenth (0.1) tpy of all other HAPs.</p> <p>10. Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than ten (10) tpy of any pollutant regulated under this regulation or less than two (2) tpy of a single HAP¹ or five (5) tpy of any combination of HAPs.</p>	<p>(1) <u>Five (5) tons per year</u> of any combination of <u>hazardous air pollutants</u>; or</p> <p>(2) <u>Ten (10) tons per year</u> of any other air pollutant.</p> <p>(F) Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent (<u>3%</u>) of the maximum container volume of material.</p> <p>(G) Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of <u>hazardous air pollutants</u> in excess of one-tenth (0.1) <u>tons per year</u>.</p> <p>(H) Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable <u>volatile organic compounds</u> or <u>hazardous air pollutants</u> if closed. This includes filling, blending, or mixing of the contents of containers by a retailer.</p> <p>(I) Equipment used for surface coating, painting, dipping, or spraying, <u>provided the material used contains no more than</u> four-tenths (0.4) pounds per gallon <u>volatile organic compounds</u>, <u>that contains</u> no hexavalent chromium and <u>that emits</u> no more than one-tenth (0.1) <u>tons per year</u> of all other <u>hazardous air pollutants</u>.</p> <p>(J) Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than:</p> <p>(1) <u>Ten (10) tons per year</u> of any pollutant</p>	
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¹ The treatability study or pollution prevention program must be approved separately. The activity creating the emissions must also be determined to be insignificant as discussed in the introduction to this group.

<p>11. Operation of groundwater remediation wells, including emissions from the pumps and collection activities provided that the emissions are less than ten (10) tpy of any pollutant regulated under this regulation or less than two (2) tpy of a single HAP or five (5) tpy of any combination of HAPs. This does not include emissions from air-stripping or storage.</p> <p>12. Emergency use generators, boilers, or other fuel burning equipment that:</p> <p>(A) is of equal or smaller capacity than the primary operating unit;</p> <p>(B) cannot be used in conjunction with the primary operating unit; and</p> <p>(C) does not emit or have the potential to emit regulated air pollutants in excess of the primary operating unit and not operated more than ninety (90) days a year.</p> <p>(3) This does not apply to generators which provide electricity to the distribution grid.</p> <p>13. Other activities for which the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or regulation provided that the emissions are less than five (5) tpy of any pollutant regulated under this regulation or less than one (1) tpy of a single HAP or two and one-half (2.5) tpy of any combination of HAPs.</p>	<p>regulated under this Regulation;</p> <p>(2) Two (2) tons per year of a single hazardous air pollutant;² and</p> <p>(3) Five (5) tons per year of any combination of hazardous air pollutants.</p> <p><u>(K)</u> Operation of groundwater remediation wells, including emissions from the pumps and collection activities, <u>but not from air-stripping or storage</u>, provided that the emissions are less than:</p> <p><u>(1) Ten (10) tons per year</u> of any pollutant regulated under this Regulation;</p> <p><u>(2) Two (2) tons per year</u> of a single <u>hazardous air pollutant; and</u></p> <p><u>(3) Five (5) tons per year</u> of any combination of <u>hazardous air pollutants.</u></p> <p><u>(L)</u> Emergency-use generators, boilers, or other fuel burning equipment, <u>with the exception of generators that provide electricity to the distribution grid</u>, that:</p> <p><u>(1) Are</u> of equal or smaller capacity than the primary operating unit;</p> <p><u>(2) Cannot</u> be used in conjunction with the primary operating unit;</p> <p><u>(3) Do</u> not emit or have the potential to emit <u>federally</u>-regulated air pollutants in excess of the primary operating unit; <u>and</u></p>	
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² The treatability study or pollution prevention program shall be approved separately. The activity creating the emissions shall also be determined to be insignificant as discussed in the introduction to this group.

	<p>(4) Are not operated more than ninety (90) days a year.</p> <p>(M) Other activities <u>if</u> the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or regulation provided that the <u>aggregate emissions of all activities listed under this group are less than:</u></p> <p>(1) Five (5) <u>tons per year</u> of any pollutant regulated under this <u>Regulation</u>;</p> <p>(2) <u>One</u> (1) <u>tons per year</u> of a single <u>hazardous air pollutant</u>; and</p> <p>(3) <u>Two and five-tenths</u> (2.5) <u>tons per year</u> of any combination of <u>hazardous air pollutants</u>.</p>	
<p style="text-align: center;">Group B</p> <p>The following emission units, operations, or activities need not be included in a permit application:</p> <p>1. Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by Title II and required to obtain a permit under Title V of the federal Clean Air Act, as amended. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements.</p> <p>2. Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI of the Act.</p>	<p style="text-align: center;">Group B</p> <p>The following emission units, operations, or activities do not need to be included in a permit application:</p> <p>(A) Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by <u>Clean Air Act</u> Title II and required to obtain a permit under <u>Clean Air Act</u> Title V. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements;</p> <p>(B) Air conditioning and heating units used for comfort that do not have applicable requirements under <u>Clean Air Act</u> Title VI;</p>	

<p>3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.</p>	<p><u>(C)</u> Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process;</p>	
<p>4. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.</p>	<p><u>(D)</u> Non-commercial food preparation or food preparation at restaurants, cafeterias, caterers, etcetera;</p>	
<p>5. Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction.</p>	<p><u>(E)</u> Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction;</p>	
<p>6. Janitorial services and consumer use of janitorial products.</p>	<p><u>(F)</u> Janitorial services and consumer use of janitorial products;</p>	
<p>7. Internal combustion engines used for landscaping purposes.</p>	<p><u>(G)</u> Internal combustion engines used for landscaping purposes;</p>	
<p>8. Laundry activities, except for dry-cleaning and steam boilers.</p>	<p><u>(H)</u> Laundry activities, except for dry-cleaning and steam boilers;</p>	
<p>9. Bathroom/toilet emissions.</p>	<p><u>(I)</u> Bathroom/toilet emissions;</p>	
<p>10. Emergency (backup) electrical generators at residential locations.</p>	<p><u>(J)</u> Emergency (backup) electrical generators at residential locations;</p>	
<p>11. Tobacco smoking rooms and areas.</p>	<p><u>(K)</u> Tobacco smoking rooms and areas;</p>	
<p>12. Blacksmith forges.</p>	<p><u>(L)</u> Blacksmith forges;</p>	
<p>13. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities.</p>	<p><u>(M)</u> Maintenance of grounds or buildings, including lawn care, weed control, pest control, and water washing activities;</p>	
<p>14. Repair, upkeep, maintenance, or construction activities not related to the source's primary</p>	<p><u>(N)</u> Repair, upkeep, maintenance, or construction activities not related to the source's primary business activity, and not otherwise triggering a permit modification. This may include, but</p>	

<p>business activity, and not otherwise triggering a permit modification. This may include, but is not limited to such activities as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting.³</p>	<p>is not limited to, activities <u>such</u> as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting⁷;</p>	
<p>15. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface-coating or products.</p>	<p><u>(O)</u> Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface-coating or products;</p>	
<p>16. Portable electrical generators that can be “moved by hand” from one location to another.⁴</p>	<p><u>(P)</u> Portable electrical generators that can be “moved by hand” from one location to another⁸;</p>	
<p>17. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.</p>	<p><u>(Q)</u> Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;</p>	
<p>18. Brazing or soldering equipment related to manufacturing activities that do not result in emission of <u>HAPs</u>.⁵</p>	<p><u>(R)</u> Brazing or soldering equipment related to manufacturing activities that do not result in emission of <u>hazardous air pollutants</u>⁹;</p>	
<p>19. Air compressors and pneumatically operated equipment, including hand tools.</p>	<p><u>(S)</u> Air compressors and pneumatically-operated equipment, including hand tools;</p>	
<p>20. Batteries and battery charging stations, except at battery manufacturing plants.</p>	<p><u>(T)</u> Batteries and battery charging stations, except at battery manufacturing plants;</p>	

³ Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must get a permit.

⁴ “Moved by hand” means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

⁵ Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

<p>21. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOCs or HAPs.⁶</p>	<p><u>(U)</u> (Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any volatile organic compounds or hazardous air pollutants¹⁰;</p>	
<p>22. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and no volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.</p>	<p><u>(V)</u> Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved;</p>	
<p>23. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.</p>	<p><u>(W)</u> Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved;</p>	
<p>24. Drop hammers or presses for forging or metalworking.</p>	<p><u>(X)</u> Drop hammers or presses for forging or metalworking;</p>	
<p>25. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.</p>	<p><u>(Y)</u> Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;</p>	
<p>26. Vents from continuous emissions monitors and other analyzers.</p>	<p><u>(Z)</u> Vents from continuous emissions monitors and other analyzers;</p>	

⁷ Cleaning and painting activities qualify if they are not subject to volatile organic compounds or hazardous air pollutants control requirements. Asphalt batch plant owners or operators shall get a permit

⁸ Moved by hand” means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

⁹ Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

⁶ Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

¹⁰ Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit hazardous air pollutant metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit hazardous air pollutant metals are treated as trivial and listed separately in this Appendix.

<p>27. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.</p>	<p>(AA) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;</p>	
<p>28. Hand-held applicator equipment for hot melt adhesives with no VOCs in the adhesive.</p>	<p>(BB) Hand-held applicator equipment for hot melt adhesives with no <u>volatile organic compounds</u> in the adhesive;</p>	
<p>29. Lasers used only on metals and other materials which do not emit HAPs in the process.</p>	<p>(CC) Lasers used only on metals and other materials <u>that</u> do not emit <u>hazardous air pollutants</u> in the process;</p>	
<p>30. Consumer use of paper trimmers/binders.</p>	<p>(DD) Consumer use of paper trimmers/binders;</p>	
<p>31. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.</p>	<p>(EE) Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;</p>	
<p>32. Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this regulation.</p>	<p>(FF) Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this <u>R</u>egulation;</p>	
<p>33. Laser trimmers using dust collection to prevent fugitive emissions.</p>	<p>(GG) Laser trimmers using dust collection to prevent fugitive emissions;</p>	
<p>34. Bench-scale laboratory equipment used for physical or chemical analysis not including lab fume hoods or vents.</p>	<p>(HH) Bench-scale laboratory equipment used for physical or chemical analysis; not including lab fume hoods or vents;</p>	
<p>35. Routine calibration and maintenance of laboratory equipment or other analytical instruments.</p>	<p>(II) Routine calibration and maintenance of laboratory equipment or other analytical instruments;</p>	
<p>36. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.</p>	<p>(JJ) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis;</p>	
<p>37. Hydraulic and hydrostatic testing equipment.</p>		

<p>38. Environmental chambers not using hazardous air pollutant gases.</p>	<p>(KK) Hydraulic and hydrostatic testing equipment;</p>	
<p>39. Shock chambers, humidity chambers, and solar simulators.</p>	<p>(LL) Environmental chambers not using hazardous air pollutant gases;</p>	
<p>40. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.</p>	<p>(MM) Shock chambers, humidity chambers, and solar simulators;</p>	
<p>41. Process water filtration systems and demineralizers.</p>	<p>(NN) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted;</p>	
<p>42. Demineralized water tanks and demineralizer vents.</p>	<p>(OO) Process water filtration systems and demineralizers;</p>	
<p>43. Boiler water treatment operations, not including cooling towers.</p>	<p>(PP) Demineralized water tanks and demineralizer vents;</p>	
<p>44. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to Section 112(r) of the Act, for use in cooling towers, drinking water systems, and boiler water/feed systems.</p>	<p>(QQ) Boiler water treatment operations, not including cooling towers;</p>	
<p>45. Oxygen scavenging (de-aeration) of water.</p>	<p>(RR) Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to <u>Clean Air Act § 112(r)</u> as of July 1, 1997, for use in cooling towers, drinking water systems, and boiler water/feed systems;</p>	
<p>46. Ozone generators.</p>	<p>(SS) Oxygen scavenging (de-aeration) of water;</p>	
<p>47. Fire suppression systems.</p>	<p>(TT) Ozone generators;</p>	
<p>48. Emergency road flares.</p>	<p>(UU) Fire suppression systems;</p>	
<p>49. Steam vents and safety relief valves.</p>	<p>(VV) Emergency road flares;</p>	
<p>50. Steam leaks.</p>		

<p>51. Steam cleaning operations.</p> <p>52. Steam and microwave sterilizers.</p> <p>53. Site assessment work to characterize waste disposal or remediation sites.</p> <p>54. Miscellaneous additions or upgrades of instrumentation.</p> <p>55. Emissions from combustion controllers or combustion shutoff devices but not combustion units itself.</p> <p>56. Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of or such vehicles (i.e. antifreeze, fuel additives).</p> <p>57. Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps.</p> <p>58. Emissions from equipment lubricating systems (i.e. oil mist), not including storage tanks, unless otherwise exempt.</p> <p>59. Residential wood heaters, cookstoves, or fireplaces.</p> <p>60. Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation.</p> <p>61. Log wetting areas and log flumes.</p> <p>62. Periodic use of pressurized air for cleanup.</p> <p>63. Solid waste dumpsters.</p>	<p><u>(WW)</u> Steam vents and safety relief valves;</p> <p><u>(XX)</u> Steam leaks;</p> <p><u>(YY)</u> Steam cleaning operations;</p> <p><u>(ZZ)</u> Steam and microwave sterilizers;</p> <p><u>(AAA)</u> Site assessment work to characterize waste disposal or remediation sites;</p> <p><u>(BBB)</u> Miscellaneous additions or upgrades of instrumentation;</p> <p><u>(CCC)</u> Emissions from combustion controllers or combustion shutoff devices but not combustion units itself;</p> <p><u>(DDD)</u> Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of <u>the</u> vehicles (e.g., antifreeze, fuel additives);</p> <p><u>(EEE)</u> Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps;</p> <p><u>(FFF)</u> Emissions from equipment lubricating systems (i.e., oil mist), not including storage tanks, unless otherwise exempt;</p> <p><u>(GGG)</u> Residential wood heaters, cook_stoves, or fireplaces;</p> <p><u>(HHH)</u> Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation;</p> <p><u>(III)</u> Log wetting areas and log flumes;</p>	
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<p>64. Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks.</p>	<p><u>(JJJ)</u> Periodic use of pressurized air for cleanup;</p>	
<p>65. Natural gas odoring activities unless the Department determines that emissions constitute air pollution.</p>	<p><u>(KKK)</u> Solid waste dumpsters;</p>	
<p>66. Emissions from engine crankcase vents.</p>	<p><u>(LLL)</u> Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks;</p>	
<p>67. Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release.</p>	<p><u>(MMM)</u> Natural gas odoring activities unless the Department determines that emissions constitute air pollution;</p>	
<p>68. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds where all materials charged are in paste form.</p>	<p><u>(NNN)</u> Emissions from engine crankcase vents;</p>	
<p>69. Mixers, blenders, roll mills, or calendars for rubber or plastic for which no materials in powder form are added and in which no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted.</p>	<p><u>(OOO)</u> Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release;</p>	
<p>70. The storage-, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to the equipment only).</p>	<p><u>(PPP)</u> Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds <u>if</u> all materials charged are in paste form;</p>	
<p>71. Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic derived biosolids and inorganic materials such as lime, ash, or sand.</p>	<p><u>(QQQ)</u> Mixers, blenders, roll mills, or calendars for rubber or plastic <u>where</u> no materials in powder form are added and <u>where</u> no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted;</p>	
<p>72. Tall oil soap storage, skimming, and loading.</p>	<p><u>(RRR)</u> The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion off-site (this applies to the equipment only);</p>	
<p>73. Water heaters used strictly for domestic (non-process) purposes.</p>	<p><u>(SSS)</u> Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic-derived bio-solids and inorganic materials such as lime, ash, or</p>	

<p>74. Facility roads and parking areas, unless necessary to control offsite fugitive emissions.</p> <p>75. Agricultural operations, including onsite grain storage, not including internal combustion engines or grain elevators.</p> <p>76. Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.</p>	<p>sand;</p> <p><u>(TTT)</u> Tall oil soap storage, skimming, and loading;</p> <p><u>(UUU)</u> Water heaters used strictly for domestic (non-process) purposes;</p> <p><u>(VVV)</u> Facility roads and parking areas, unless necessary to control off-site fugitive emissions;</p> <p><u>(WWW)</u> Agricultural operations, including on-site grain storage, not including internal combustion engines or grain elevators; and</p> <p><u>(XXX)</u> Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.</p>	
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Regulation No. 18 Appendix B

The 2015 ozone standard has been updated to the most recent NAAQS.

APPENDIX B: NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

The National Ambient Air Quality Standards as adopted as of the effective date of this Regulation are listed in the table below.

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Carbon Monoxide	76 FR 54294	August 31, 2011	Primary	Eight- hour	Nine (9) <u>parts per million</u>	Not to be exceeded more than once per year	All Chapters
				One-hour 1 hour	Thirty-five <u>(35) parts per million</u> 35 ppm		All Chapters
Lead	73 FR 66964	November 12, 2008	Primary and secondary	Rolling 3-t <u>hree</u> -month average	Fifteen hundredths <u>(0.15) micrograms per cubic meter</u> 0.15 µg/m³	Not to be exceeded	All Chapters
Nitrogen Dioxide	75 FR 6474	February 9, 2010	Primary	One- hour	One hundred <u>(100) parts per billion</u> 100 ppb	Ninety-eighth (98th) percentile, averaged over three (3) years <u>98th percentile, averaged over 3 years</u>	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
	61 FR 52852	October 8, 1996	Primary and secondary	Annual	Fifty-three (53) parts per billion 53 ppb	Annual Mean	All Chapters
Ozone	80 FR 65292 73 FR 16436	October 26, 2015 March 27, 2008	Primary and secondary	8 Eight-hour	Seventy (70) parts per billion 0.075 ppm	Annual fourth-highest daily maximum 8 eight-hr concentration, averaged over three (3) years	All Chapters
Particle Pollution, PM _{2.5}	78 FR 3085	January 15, 2013	Primary	Annual	Twelve (12) micrograms per cubic meter 12 µg/m³	Annual mean, averaged over three (3) years	All Chapters
	71 FR 61144	October 17, 2006	Secondary	Annual	Fifteen (15) micrograms per cubic meter 15 µg/m³		
			Primary and secondary	24 Twenty-four-hour	Thirty-five (35) micrograms per cubic meter 35 µg/m³	Ninety-eighth (98th) percentile, averaged over three (3) years	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Particle Pollution, PM ₁₀	71 FR 61144,	October 17, 2006	Primary and secondary	24 Twenty-four-hour	One hundred fifty (150) micrograms per cubic meter 150 µg/m ³	Not to be exceeded more than once per year on average over three (3) years	All Chapters
Sulfur Dioxide	75 FR 35520	June 22, 2010	Primary	1 One-hour	Seventy-five (75) parts per billion 75 ppb	Ninety-ninth (99th) percentile of 1 one-hour daily maximum concentrations, averaged over three (3) years	All Chapters
	38 FR 25678	September 14, 1973	Secondary	3 Three-hour	One-half (0.5) parts per million 0.5 ppm	Not to be exceeded more than once per year	All Chapters