

FINDINGS: The United States Environmental Protection Agency has declared unapprovable provisions of state implementation plans which automatically exempt from emissions limitations excessive emissions resulting from malfunction. The approach apparently preferred by the EPA is to allow discretionary exemption, upon a showing by the source that the malfunction was not due to operator negligence or improper maintenance. EPA's position requires the revision of Section 6(a) of the Arkansas Regulations of the Plan.

EPA has also directed revision of the continuous monitoring requirements of Section 7(e) of the Arkansas Regulations of the Plan to conform to certain uniform procedures established by EPA. Section 7(e) of the Regulations of the Plan consequently should also be revised.

All applicable notice, hearing and public participation requirements, if any, with respect to these revisions have been complied with.

ORDER: Sections 6(a) and 7(e) of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control are hereby amended as set forth in the attachments hereto.

COMMIS-  
SIONERS

*JTB*  
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*Ralph A. Dumas*  
CHAIRMAN

SUBMITTED BY John A. Mitchell DATE PASSED 5-25-79



AMENDMENT TO REGULATIONS OF  
THE ARKANSAS PLAN OF IMPLEMENTATION  
FOR AIR POLLUTION CONTROL

Section 6(a) of the Regulations of the Plan is hereby amended to read as follows:

- (a) Any source exceeding an emission limit established by the Regulations of the Plan shall be deemed in violation of said Regulations and subject to enforcement action. The Director may forego enforcement action for excess emissions under extraordinary conditions; provided, the person responsible for the source of excess emissions demonstrates to the satisfaction of the Director that the emissions result from a bona fide malfunction or upset and are not the result of negligence of improper maintenance. As a minimum, the following are required:
- (i) such occurrence of upset or breakdown of equipment shall be reported to the Director within 24 hours after the start of the occurrence.
  - (ii) the person responsible for the source of such emission shall submit to the Director, at his request, a full report of such occurrence, including the identification and location of the process and control equipment involved in the upset and including a statement of all known causes and the scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

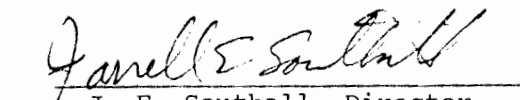
This amendment to the Regulations of the Plan shall be in full force and effect as of the date of promulgation, July 1, 1979.

BY ORDER OF THE COMMISSION ON  
POLLUTION CONTROL AND ECOLOGY


By \_\_\_\_\_

R. A. Dumas, Chairman

ATTEST:

  
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J. E. Southall, Director

APPROVED:

  
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Bill Clinton, Governor  
State of Arkansas