

MINUTE ORDER NO. 79-59

Sections 3(j), 4.5(a)(2) and 5.1(a)  
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FINDINGS:

The Environmental Protection Agency (EPA) has declared unapprovable, Section 3(j) of the Regulations for the Control of Volatile Organic Compounds (VOC) in Pulaski County, which defines Lowest Achievable Emission Rate (LAER). EPA has determined that the existing definition allows for an interpretation for LAER which could be different than that required by the Clean Air Act. EPA's position requires the revision of Section 3(j) of the Regulations for the Control of Volatile Organic Compounds.

EPA has also directed revision of Section 4.5(a)(2) which establishes compliance schedules for affected sources of Volatile Organic Compounds (VOC). EPA has determined that the compliance schedule requirement for existing sources of VOC does not establish a final compliance date. Section 4.5(a)(2) of the Regulations for the Control of Volatile Organic Compounds (VOC) consequently should also be revised.

It has been determined by the Department that the control of low volume gasoline storage and marketing facilities is not necessary to attain the National Ambient Air Quality Standard for Ozone, therefore, revision of Section 5.1(a) of the Regulations for the Control of Volatile Organic Compounds (VOC) is necessary to exempt these facilities from the regulations.

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

ORDER:

Sections 3(j), 4.5(a)(2), and 5.1(a) of the Regulations for the Control of Volatile Organic Compounds (VOC), are hereby amended as set forth in the attachments hereto.

COMMIS-  
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CHAIRMAN

SUBMITTED BY John A. Mitchell DATE PASSED 16 November 1979

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

Section 3(j) of the Regulations of the Plan is hereby amended to read as follows:

3(j) "Lowest Achievable Emission Rate" means for any source, that rate of emissions which reflects -

- (1) The most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
- (2) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable New Source Standards of Performance.

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Section 4.5(a)(2) of the Regulations of the Plan is hereby amended  
to read as follows:

- 4.5(a)(2) No person shall cause the operation or use of an existing source which is affected by any provision of Section 5 after February 1, 1981 if a compliance schedule of such source under Subsection (a) above has been disapproved by the Commission. No compliance schedule for any source shall be approved by the Commission unless the Commission finds that the controls proposed by the owner or operator will be installed, placed in operation, and that the source will be in compliance with the provisions of Section 5 prior to June 1, 1981. Extensions beyond June 1, 1981 may be granted by the Commission provided the Commission finds that such extensions are necessary to avoid economic hardship and that such extensions will not prevent reasonable further progress toward the attainment of the National Ambient Air Quality Standards for Photochemical Oxidants.

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

Section 5.1(a) of the Regulations of the Plan is hereby amended to read as follows:

- 5.1(a) No person shall cause or permit the loading of gasoline into a storage tank of a gasoline storage or marketing facility with a monthly throughput in excess of 10,000 gallons except through a submerged fill pipe or by bottom loading. This provision shall not apply to storage tanks of less than 4,000 liter capacity (approximately 1,000 gallons).