

MINUTE ORDER NO. 81-27

for PSD Supplement
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FINDINGS:

To satisfy the requirements of Section 160 of the Clean Air Act, and to request delegation of the Prevention of Significant Deterioration (PSD) permitting authority from EPA, the Department has developed a plan entitled, "PSD Supplement" that incorporates, by reference, the Federal PSD program (40 CFR 52.21).

The Department is proposing to revise the State Implementation Plan (SIP) to add the "PSD Supplement" as part of the regulations under the plan.

On December 7, 1980, public notices were mailed announcing this proposal and a public hearing was held January 22, 1981 to receive comments. No adverse comments were received at the hearing.

ORDER:

Section 8.1 of the State Implementation Plan for Air Pollution Control be amended to add the attached "PSD Supplement" as part of the regulations.

COMMIS-
SIONERS

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CHAIRMAN

SUBMITTED BY Wilson Tolefree

DATE PASSED 4-10-81

PREVENTION OF SIGNIFICANT DETERIORATION SUPPLEMENT TO THE
ARKANSAS PLAN OF IMPLEMENTATION
FOR AIR POLLUTION CONTROL

April 10, 1981

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

PREVENTION OF SIGNIFICANT DETERIORATION SUPPLEMENT TO THE
ARKANSAS PLAN OF IMPLEMENTATION
FOR AIR POLLUTION CONTROL

SECTION 1. TITLE

The following rules and regulations of the Department of Pollution Control and Ecology of the State of Arkansas, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act, hereinafter referred to as the "Act" (Ark. Stats. Ann. Sec. 82-1901, et, seq.), shall be known as the Prevention of Significant Deterioration Supplement to the Regulations of the Arkansas Plan of Implementation for Air Pollution Control, hereinafter referred to, respectively, as "PSD Supplement" and "Regulations of the Plan" and the "Plan."

SECTION 2. PURPOSES

Promulgation and enforcement of this PSD Supplement is intended to further the purposes of the Regulations of the Plan and the Plan itself, including but not limited to acceptance of delegation by the Environmental Protection Agency of authority for enforcement of regulations governing the prevention of significant deterioration of air quality.

SECTION 3. DEFINITIONS

Words used herein shall have the same meaning as set forth in the Regulations, or other supplements thereto, or in 40 CFR Sec. 52.21(b), unless manifestly inconsistent with the context in which they are used. Whenever there is a difference in the definitions in the Regulation, or supplements thereto, and those as listed in 40 CFR 52.21(b), the Federal definition as listed in 40 CFR 52.21(b) shall apply.

SECTION 4. ADOPTION OF REGULATIONS

(a) Except where manifestly inconsistent with the provisions of the Clean Air Act, as amended, or with federal regulations adopted pursuant thereto, and as amended specifically herein by subsections (b), (c), and (d) of this Section 4, the Arkansas Department of Pollution Control and Ecology shall have those responsibilities and that authority, with reference to the State of Arkansas, granted to the Administrator of the Environmental Protection Agency under 40 CFR Sec. 52.21(b) through (r), as amended, in the Federal Register, Vol. 45, No. 154 on Thursday, August 7, 1980. In the absence of a specific imposition of responsibility or grant of authority, the Department shall be deemed to have that responsibility and authority necessary to attain the purposes of the Plan, this PSD Supplement and the applicable federal regulations, as incorporated herein by reference.

(b) Exclusions from the consumption of increments, as provided in 40 CFR Sec. 52.21(f)(1)(iii), shall be effective immediately. Submission of this Plan under the Governor's signature, constitutes a request by the Governor for this exclusion.

(c) 40 CFR Sec. 52.21(o) is amended by the addition of the following subparagraphs (3), (4), (5), and (6):

(3) Where air quality impact analyses required under this part indicate that the issuance of a permit for any major stationary source or for any major modification would result in the consumption of more than fifty (50%) percent of any available annual increment or eighty (80%) percent of the short term increment, the person applying for such a permit shall submit to the Department, an assessment of the following factors:

(a) Effects that the proposed consumption would have upon the

to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this PSD Supplement which can be given effect without the invalid provision or application, and to this end the provisions of this PSD Supplement are declared to be severable.

SECTION 6. EFFECTIVE DATE

This PSD Supplement shall be in full force and effect upon the date that the PSD Supplement is approved by the United States Environmental Protection Agency.

industrial and economic development within the area of the proposed source; and

(b) Alternatives to such consumption, including alternative siting of the proposed source or portions thereof;

(4) The assessment required under paragraph (3) above shall be made part of the application for permit and shall be made available for public inspection as provided in Subsection (q) of 40 CFR 52.21 hereof;

(5) The assessment required under paragraph (3) above shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of the increment consumed and the area affected.

(6) The assessment required under paragraph (3) above may be made effective where a proposed source would cause an incremental consumption less than that specified in said paragraph if the Director finds that unusual circumstances exist in the area of the proposed source which warrant such an assessment. The Director shall notify the applicant in writing of those circumstances which warrant said assessment. The Commission may rescind or modify the Director's action, upon a showing by the applicant that the circumstances alleged by the Director either do not exist or do not warrant the aforesaid assessment.

(d) In all instances wherein the aforesaid 40 CFR Sec. 52.21 refers to the Administrator or the Environmental Protection Agency, the reference, for the purposes of subsection (a) of this Section 4, shall be deemed to mean the Department of Pollution Control and Ecology, unless the context plainly dictates otherwise.

SECTION 5. SEVERABILITY

If any provision of this PSD Supplement or the application thereof
