



ARKANSAS DEPARTMENT OF POLLUTION  
CONTROL & ECOLOGY

LOCATION - SUBJECT IP

MINUTE ORDER NO. 88-14

Revision For PM10  
PAGE 2 OF 2

A public notice was mailed on February 3, 1988 and published February 7-13, 1988, and a hearing was held on March 10, 1988. No adverse comments were received at the hearing.

ORDER:

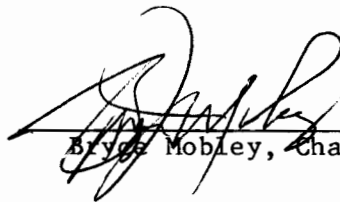
The revisions to the Sections 3 and 4 of the SIP Regulations and the revised PSD Supplement are hereby adopted.

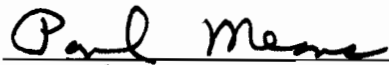
EFFECTIVE DATE:


This regulation and any amendment thereto shall be in full force and effect twenty days after filing with the Secretary of State.

Promulgated this 25th day of March, 1988.




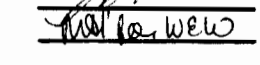
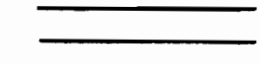
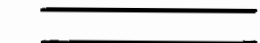
BY ORDER OF THE COMMISSION ON  
POLLUTION CONTROL AND ECOLOGY

BY:   
Bryce Mobley, Chairman

Attest:   
Paul Means, Director

APPROVED:   
Bill Clinton, Governor

COMMISSIONERS

  
CHAIRMAN

SUBMITTED BY: James B. Jones, Jr. DATE PASSED: 3/25/88

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY  
REGULATIONS OF THE  
ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL  
REVISION FOR PM10

March 10, 1988

The Regulations of the Arkansas Plan of Implementation for Air Pollution Control are hereby revised as follows:

Section 3 is revised by adding the following subsections (z) through (ff):

(z) "National Ambient Air Quality Standard", "Primary National Ambient Air Quality Standard", and "Secondary National Ambient Air Quality Standard" mean those primary and secondary National Ambient Air Quality Standards promulgated by the United States Environmental Protection Agency in 40 CFR 50.1 through 50.11, as in effect on July 31, 1987, which are hereby incorporated herein by reference.

(aa) "Air quality increment" means any maximum allowable increase in pollutant concentration over the baseline concentration (ambient air increment) listed in 40 CFR 52.21(c) or 52.21(p), as in effect on July 31, 1987, which are hereby incorporated herein by reference.

(bb) "Particulate matter" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(cc) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method, specified in Appendix A of 40 CFR Part 60, or by a test method specified in these regulations or any supplement thereto.

(dd) "PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50, or by an equivalent method designated in accordance with 40 CFR Part 53.

(ee) "PM10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Part 52, or by a test method specified in these regulations or any supplement thereto.

(ff) "Total suspended particulate" means particulate matter as measured by the method described in Appendix B of 40 CFR Part 50, as in effect on July 31, 1987.

Subsection 4(f)(ix) is revised to read as follows:

(ix) Such other equipment as the Department may specifically exempt from the requirements of this section, provided that, upon receipt of the preliminary application, the Department determines that:

(A) The emissions (potential emission rate) from the equipment proposed within the application in conjunction with the emissions from existing equipment, if any, on the site on which the proposed new or modified equipment is to be located do not exceed five (5) tons per year of lead, or 100 tons per year of any other pollutant for which an National Ambient Air Quality Standard has been promulgated by the United States Environmental Protection Agency; and

(B) The location and configuration of the proposed equipment is such that the emissions as proposed do not prevent the attainment or maintenance of any National Ambient Air Quality Standard or air quality increment.

The Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control is hereby revised to read as follows [additions/changes to the May 24, 1985 regulations are underlined; deletions are not shown]:

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

as amended March 25, 1988

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 (Ark. Stats. Ann. Sec. 82-1901 et seq., hereinafter referred to as the "Act", 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 the "PSD Supplement" and the "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 Plan and the Regulations of the Plan, including but not limited to acceptance of delegation by the U.S. Environmental Protection Agency of authority for enforcement of regulations governing the prevention of significant deterioration of air quality and regulations governing the protection of visibility in mandatory Class I Federal areas.

SECTION 3. DEFINITIONS

(a) "Advance notification" (of a permit application) means any written communication which establishes the applicant's intention to construct, and which provides the Department with sufficient information to determine that the proposed source may constitute a major new source or major modification, and that such source may affect any mandatory Class I Federal area, including, but not limited to, submittal of a draft or partial permit application, a PSD monitoring plan, or a sufficiently detailed letter. "Advance notification" does not include general inquiries about the Department's regulations.

(b) All other terms used herein shall have the same meaning as set forth in the Regulations of the Plan, or other supplements thereto, or in 40 CFR 52.21(b) [PSD] and 40 CFR 51.301 [Protection of Visibility], all as in effect upon the latest date of amendment of this supplement, unless manifestly inconsistent with the context in which they are used. Wherever there is a difference between the definitions in the Regulations of the Plan, or supplements thereto, and those listed in 40 CFR 52.21(b) and 40 CFR 51.301, the Federal definitions as listed in 40 CFR 52.21(b) and 40 CFR 51.301 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 paragraphs (b), (c), (d), (e) and (f) of this section, 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 U.S. Environmental Protection Agency under 40 CFR 52.21(b) through (r), as in effect on July 31, 1987, which are hereby incorporated herein by reference. 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 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) In addition to the requirements of 40 CFR 52.21(o), the following requirements [designated as subparagraphs (4), (5), (6), and (7)] shall also apply:

(4) 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 percent (50%) of any available annual increment or eighty percent (80%) of any 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 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.

(5) The assessment required under subparagraph (4) above shall be made part of the application for permit and shall be made available for public inspection as provided in 40 CFR 52.21(q).

(6) The assessment required under subparagraph (4) above shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.

(7) The assessment required under subparagraph (4) above may be made effective where a proposed source would cause an increment consumption less than that specified in said subparagraph 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 addition to the requirements of 40 CFR 52.21(p)(1), the following requirements shall also apply:

Impacts on mandatory Class I Federal areas include impacts on visibility. The preliminary determination that a source may affect air quality or visibility in a mandatory Class I Federal area shall be made by the Department, based on screening criteria agreed upon by the Department and the Federal Land Manager.

(e) In all instances wherein the aforesaid 40 CFR 51.301 and 40 CFR 52.21 refer to the Administrator or the Environmental Protection Agency, the reference, for the purposes of paragraph (a) of this Section 4, shall be deemed to mean the Department of Pollution Control and Ecology, unless the context plainly dictates otherwise, except in the following sections:

(1) Exclusion from increment consumption: 40 CFR 52.21(f)(1)(v), (f)(3), and (f)(4)(i);

(2) Redesignation: 40 CFR 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);

(3) Air quality models: (1)(2).

(f) Redesignation of air quality areas in Arkansas shall comply with Act 237 of 1985.

#### SECTION 5. SEVERABILITY

If any provision of this PSD Supplement or the application hereof 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, or any amendment thereto, shall be in full force and effect twenty days after filing with the Secretary of State.