

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF)
AMENDING REGULATION NUMBER 19,))
REGULATIONS OF THE ARKANSAS)
PLAN OF IMPLEMENTATION FOR)
AIR POLLUTION CONTROL)

Docket No. 06-012-R

PETITION TO INITIATE RULEMAKING TO AMEND
REGULATION NUMBER 19, REGULATIONS OF THE ARKANSAS
PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL

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AR. POLLUTION CONTROL
& ECOLOGY COMMISSION
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The Arkansas Department of Environmental Quality (hereinafter ADEQ, or the Department), for its Petition to Initiate Rulemaking to Amend Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control, states:

1. The Department requests that the Commission Initiate Rulemaking to amend Regulation Number 19, the Regulations of the Arkansas Plan of Implementation for Air Pollution Control to amend Chapter 14 to fulfill the State's obligation as part of the Clean Air Interstate Rule (CAIR). CAIR will control the Interstate transport of NO_x and SO₂ emitted by fossil-fuel fired Electric Generating Units (EGUs) by creating an interstate cap and trade program. Another proposed revision to Regulation 19 addresses the Emission Inventory Certifying Statement Requirement under the Clean Air Act Section 182(a)(3)(B) for all areas designated nonattainment for the 8-hour ozone national ambient air quality standard (NAAQS) and classified marginal or

~~higher under subpart 2, part D, title I of the Act.~~

The emission inventory certifying statement will be added to Reg. 19.705 to comply with the above Act.

2. The department proposes adding Chapter 14 which is entitled CAIR NO_x Ozone Season Tracking Program General Provisions. The Department proposes adding four sections as follows:

- A. Reg. 19.1401 Adoption of Regulations. This section lists the federal regulations replaced by Regulation 19, Chapter 14 as well as those federal regulations which are incorporated by reference.
- B. Reg. 19.1402 State Trading Budget. This section lists the annual allocations for CAIR NO_x Ozone Season allowances.
- C. Reg. 19.1403 Timing Requirements for CAIR NO_x Ozone Season Allowance Allocations. This section lists the timing requirements for EGUs which commenced operation before January 1, 2001 as well as the timing requirements for EGUs which commenced operation on or after January 1, 2001.
- D. Reg. 19.1404 CAIR NO_x Ozone Season Allowance Allocations. This section establishes the criteria for CAIR NO_x Ozone Season Allowance Allocations.

3. The Department proposes amending Reg. 19.705 which is entitled Record Keeping and Reporting Requirements. The Department proposes adding a section which requires that a

certifying statement accompany each emission inventory. A marked-up version of Regulation Number 19 showing the proposed changes is attached as Exhibit A and is hereby incorporated by reference.

4. The proposed changes to Regulation Number 19 do not require an economic impact/environmental benefit analysis because the provisions of Reg 19.705 and Chapter 14 of Regulation Number 19 incorporate federal requirements.

5. The proposed changes to Regulations Number 19 are currently under review by the Arkansas Department of Economic Development (ADEED). The Department anticipates that ADEED will determine that the amendments are exempt from the requirements of Executive Order 05-04.

6. Attached to this petition and incorporated by reference are documents as follows:

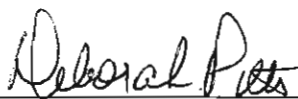
- A. Legislative Questionnaire and attachment (Exhibit B);
- B. Financial Impact Statement (Exhibit C);
- C. Economic Impact Statement of Proposed Rules or Regulations Executive Order 05-04: Regulatory Flexibility (Exhibit D);
- D. Economic Impact/Environmental Benefit Analysis (Exhibit E);
- E. Statement of Basis and Purpose (Exhibit F); and
- F. Proposed Minute Order (Exhibit G).

6. ADEQ employees, Job Serebrov, Elizabeth Sartain, Mike Porta and Deborah Pitts, will be available to answer questions concerning this proposed rulemaking.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed revisions of Regulation Number 19.

Respectfully Submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
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By: Deborah Pitts